

EXHIBIT B (contd.)

Copy of All Filings with State Court

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Selina Hamilton

NO. D-1-GN-18-001835

NEIL HESLIN,

Plaintiff,

v.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER,

Defendants

§
§
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§
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§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

**ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC,
AND OWEN SHROYER'S NOTICE OF INTERLOCUTORY APPEAL**

No Order having been entered by this Court in the thirty day time period following the August 30, 2018 hearing on Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer's Motion to Dismiss Under the Texas Citizens Participation Act, Tex. Civ. Prac. & Rem. Code §§27.001-27.011, that Motion has been denied by operation of law and all Defendants intend to appeal that denial. Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer hereby give notice of their interlocutory appeal to the Third District Court of Appeals pursuant to Tex. Civ. Prac. & Rem. Code §51.014(a)(12). The appeal shall be expedited as provided by Tex. Civ. Prac. & Rem. Code §27.008(b). All other proceedings in the trial court are stayed pending resolution of the appeal. Tex. Civ. Prac. & Rem. Code §51.014(b).

Dated: October 2, 2018.

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Telephone: 972-419-8366
Facsimile: 972-419-8329
fly63rc@verizon.net

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2018, the foregoing was sent via efiletxcourts.gov's e-service system to the following:

Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
713-221-8300
mark@fbtrial.com

/s/ Mark C. Enoch

Mark C. Enoch

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Irene Silva

GLAST, PHILLIPS & MURRAY
A PROFESSIONAL CORPORATION

MARK C. ENOCH, J.D., M.B.A.
(972) 419-8366
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14801 QUORUM DRIVE, SUITE 500
DALLAS, TEXAS 75240-6657

(972) 419-8300
FACSIMILE (469) 206-5022

BOARD CERTIFIED -- CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL
SPECIALIZATION

October 2, 2018

Via email and via e-filing
Tiffany Gould [Tiffany.Gould@traviscountytexas.gov]

Honorable Scott Jenkins
Heman Marion Sweatt Travis
County Courthouse
1000 Guadalupe, 5th Floor
Austin, Texas 78701

Attn: Ms. Tiffany Gould,
Court Operations Officer for
District Judge Scott Jenkins

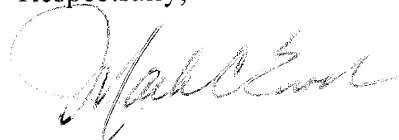
Re: *Neil Heslin v. Alex E. Jones, Infowars, LLC, Free Speech Systems,
LLC and Owen Shroyer; Cause No. D-1-GN-18-001835, 261st
District Court, Travis County, Texas*

Dear Judge Jenkins:

As you know, our clients' Motion to Dismiss Under the Texas Citizens Participation Act was timely filed on July 13, 2018. As required, we obtained a hearing on that motion within sixty days of its filing. This Honorable Court set it for hearing on August 30, 2018. Proper notice was given to Plaintiff's counsel and a week prior to that hearing, Plaintiff's counsel announced ready. As noticed, the hearing occurred on August 30.

Notwithstanding the order that you signed on August 31, 2018, and as we discussed off the record at the conclusion of this August 30 hearing, we believe that since the hearing occurred on August 30, this Court had only until the thirtieth day after that hearing to grant this motion. Since Your Honor did not grant the motion prior to that time, we believe it was denied by operation of law and have accordingly filed our clients' notice of appeal, staying further proceedings in the trial court.

Respectfully,



Mark C. Enoch

Honorable Scott Jenkins
October 2, 2018
Page 2

MCE:mji

cc: Mr. Mark Bankston (*via e-service*)



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
DAVID PURYEAR, JUSTICE
MELISSA GOODWIN, JUSTICE
SCOTT K. FIELD, JUSTICE
CINDY OLSON BOURLAND, JUSTICE
MICHAEL TOTH, JUSTICE

JEFFREY D. KYLE, CLERK

October 3, 2018

Filed In The District Court
of Travis County, Texas
on October 3, 2018
at 6:05 P.M. *DS*
Velva L. Price, District Clerk

Mr. Mark C. Enoch
Glast, Phillips & Murray, PC
14801 Quorum Dr Ste 500
Dallas, TX 75254-1449
* DELIVERED VIA E-MAIL *

Mr. Mark Bankston
Kaster Lynch Farrar & Ball
10 IO Lamar, Suite 1600
Houston, TX 77002
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-18-00650-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Counsel:

The Court has been advised that appellant has given notice of appeal. The cause in this Court will bear the number and style shown above. Cases in the Third Court of Appeals are governed by the Texas Rules of Appellate Procedure (Tex. R. App. P.) which may be accessed on the Court's website at <http://www.txcourts.gov/rules-forms/rules-standards/>. The Court provides all notices, orders, or other communications about a case by email. All documents filed with this Court must include the filer's email address in addition to any other information required by the Texas Rules of Appellate Procedure. It is the filer's responsibility to update the Court with any changes to their email address. In addition, at or before the time of a document's filing, the filing party must serve a copy of the document(s) on all parties to the proceeding. See Tex. R. App. P. 9.5.

Appellant is requested to forward the following items to this Court on or before **October 12, 2018**:

- **Challenge to Constitutionality of a State Statute** - Pursuant to Section 402.010 (a-1) of the Texas Government Code, any party challenging the constitutionality of a Texas Statute must file a "Challenge to the Constitutionality of a State Statute" form with the court in which the challenge is pending. This form can be accessed on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>.

- **\$205.00 Filing Fee** – Unless an appellant is exempt by law or is presumed unable to afford payment of court costs, the appellant must pay the required \$205.00 filing fee to prosecute the appeal. *See* Tex. R. Civ. P. 145; Tex. R. App. P. 20. 1. Failure to pay the filing fee may result in dismissal of the cause in accordance with Tex. R. App. P. 5 and 42.3. If you are excused by statute or the appellate rules from paying costs, please notify the Court. Payment should be submitted electronically through the eFileTexas.gov electronic filing system.
 - Persons not represented by an attorney may pay in person at the Clerk's office or by mailing a money order or check made payable to "The State of Texas."
- **Docketing Statement** – *See* Tex. R. App. P. 32. Until the clerk's record is filed, the docketing statement is the primary source of important information about an appeal, including contact information for the parties and information about the order being appealed. A copy of the docketing statement is available on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>.

Unless an appellant is exempt by law or is presumed unable to afford payment of court costs, the trial-court clerk and court reporter are not required to file the clerk's and reporter's records until appellant has paid the required fees, or has made satisfactory arrangements to pay the fees. *See* Tex. R. App. P. 35.3(a)(2), (b)(3). If appellant has not already done so, written requests and arrangements for payment of the following records must be made on or before **October 12, 2018**.

- **Clerk's Record** - The Court may dismiss an appeal for want of prosecution if the clerk's record is not filed and it is appellant's fault. *See* Tex. R. App. P. 37.3(b); 42.3. Appellant should make arrangements for the clerk's record with the trial-court clerk and may file a written designation specifying additional items to be included in the clerk's record. *See* Tex. R. App. 34.5(b)(2).
- **Reporter's Record** - If appellant decides to include a reporter's record as part of the appellate record, a request in writing to the court reporter must be made. *See* Tex. R. App. P. 34.6(b). The request to the court reporter must designate the portions of the proceedings to be included in the record including any exhibits. Appellant must also file a copy of the request with the trial-court clerk. *See* Tex. R. App. P. 34.6. If a reporter's record is not filed, the Court may decide the appeal on those issues or points that do not require a reporter's record for a decision. *See* Tex. R. App. P. 37.3(c).

More information about the courts practices are available on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/>. Please note, Tex. R. App. P. 9.6 requires that parties and counsel communicate with the appellate court about a case only through the clerk of the court.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker

Courtland Crocker, Deputy Clerk

cc: The Honorable Velva L. Price

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Selina Hamilton

NO. D-1-GN-18-001835

NEIL HESLIN	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff</i>	§	
	§	
VS.	§	
	§	261ST DISTRICT COURT
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSEMS, LLC and	§	
OWEN SHROYER,	§	
	§	
<i>Defendants</i>	§	TRAVIS COUNTY, TEXAS

DESIGNATION OF COURT REPORTER'S RECORD

TO THE CLERK OF THE COURT:

Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer, Defendants, filed a notice of appeal in this case on October 2, 2018. Defendants Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer request the court reporter to prepare a transcript of the August 30, 2018, hearing conducted before Judge Jenkins on the 2:00 p.m. short docket for inclusion in the appellate record.

Respectfully submitted,

GLAST, PHILLIPS & MURRAY, P.C.

By: /s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360

14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Telephone: 972-419-8366
Facsimile: 972-419-8329
fly63rc@verizon.net

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October, 2018, the foregoing was served by Texas Online electronic service to the following:

Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
713-221-8300
mark@fbtrial.com

/s/ Mark C. Enoch

Mark C. Enoch

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Selina Hamilton

NO. D-1-GN-18-001835

NEIL HESLIN	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff</i>	§	
	§	
VS.	§	
	§	261ST DISTRICT COURT
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSEMS, LLC and	§	
OWEN SHROYER,	§	
	§	
<i>Defendants</i>	§	TRAVIS COUNTY, TEXAS

DESIGNATION OF FILINGS FOR CLERK'S RECORD

TO THE CLERK OF THE COURT:

Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC AND Owen Shroyer, Defendants, filed a notice of appeal in this case on October 2, 2018. In accordance with APPELLATE RULE 34.5(a) and (b), Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer, Defendants, request the clerk to prepare a clerk's record of the proceedings in this case for inclusion in the appellate record.

Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer, Defendants, request the following items be included in the clerk's record. This list includes those items required by Appellate Rule 34.5(a).

1. Plaintiff's Original Petition and Request for Disclosure (filed April 16, 2018)
2. Letter from Plaintiff's attorney requesting issuance of Citations (filed April 23, 2018)
3. Citation to Alex Jones (dated May 2, 2018)
4. Citation to Infowars, LLC (dated May 2, 2018)
5. Citation to Free Speech Systems, LLC (dated May 2, 2018)

6. Citation to Owen Shroyer (dated May 2, 2018)
7. Defendants' Original Answer (filed June 18, 2018)
8. Defendants' attorney's vacation letter (filed June 27, 2018)
9. Plaintiff's attorney's vacation letter (filed June 28, 2018)
10. Defendants' attorney's amended vacation letter (filed June 29, 2018)
11. Letter from Defendants' attorney regarding removal of former associate as counsel for Defendants (filed June 29, 2018)
12. Defendants' First Amended Answer (filed July 13, 2018)
13. Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed July 13, 2018)
14. Defendants' Notice of Hearing on Motion to Dismiss (filed July 19, 2018)
15. Letter from Defendants' attorney transmitting thumb drive containing video exhibits to (1) Defendants' First Amended Answer, and (2) Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed July 23, 2018) Note: Thumb drives to be included in Clerk's Record.
16. Assignment by Presiding Judge (filed August 10, 2018)
17. Letter from Judge Scott Jenkins regarding assignment of case (filed August 16, 2018)
18. Plaintiff's Motion for Sanctions for Intentional Destruction of Evidence (filed August 17, 2018)
19. Plaintiff's Motion for Expedited Discovery in Aid of Plaintiff's Response to Defendants' TCPA Motion (filed August 17, 2018)
20. Letter from Defendants' attorney requesting no hearing be held subject to previously filed vacation letter and opposition to Plaintiffs' Motion for Sanctions and Plaintiff's Motion for Expedited Discovery (filed August 21, 2018)
21. Defendants' Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery (filed August 23, 2018)

22. Plaintiff's Response to Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 27, 2018)
23. Supplemental Affidavit in Support of Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 27, 2018)
24. Defendants' First Amended Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery and Defendants' Motion for Sanctions (filed August 27, 2018)
25. Supplemental Affidavits in Support of Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 28, 2018)
26. Supplemental Affidavit in Support of Defendants' First Amended Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery and Defendants' Motion for Sanctions (filed August 28, 2018)
27. Defendants' Objections to Plaintiff's Evidence Submitted in Response to Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 29, 2018)
28. Defendants' First Supplement to Motion to Dismiss Under the Texas Citizens Participation Act (filed August 29, 2018)
29. Supplemental Affidavit in Support of Defendants' First Amended Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery and Defendants' Motion for Sanctions (filed August 29, 2018)
30. Defendants' Second Amended Answer (filed August 29, 2018)
31. Defendants' Second Supplement to Motion to Dismiss Under the Texas Citizens Participation Act (filed August 30, 2018)
32. Supplemental Affidavit in Support of Defendants' First Amended Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery and Defendants' Motion for Sanctions (filed August 30, 2018)
33. Letter from Defendants' attorney transmitting thumb drive containing video exhibits to Defendants' Second Supplement to Motion to Dismiss (filed August 30, 2018).
Note: Thumb drives to be included in Clerk's Record.
34. Letter from Plaintiff's attorney transmitting flash drive containing exhibits to Plaintiff's Response to Defendants' Motion to Dismiss (filed August 30, 2018)

35. Order of Plaintiff's Motion for Expedited Discovery in Aid of Plaintiff's Response to Defendants' TCPA Motion (filed August 31, 2018)
36. Defendants' Request for Rulings on Timely Filed Objections to Plaintiff's Evidence (filed September 11, 2018)
37. Letter from Defendants' attorney requesting assistant be copied on email correspondence and filings entered by the Court (filed September 14, 2018)
38. Defendants' Second Renewed Request for Rulings on Timely Filed Objections to Plaintiff's Evidence (filed September 25, 2018)
39. Defendants' Motion for Protective/Confidentiality Order (filed September 28, 2018)
40. Plaintiff's Motion for Contempt Under Rule 215 (filed October 1, 2018)
41. Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer's Notice of Interlocutory Appeal (filed October 2, 2018)
42. Letter from Defendants' attorney advising Court of the filing of Defendants' Notice of Appeal and staying proceedings (filed October 2, 2018)
43. Letter from Third Court of Appeals confirming notice of appeal and outlining procedures (filed October 3, 2018)
44. Designation of Court Reporter's Record (filed October 10, 2018)

Respectfully submitted,

GLAST, PHILLIPS & MURRAY, P.C.

By: /s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360

14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Telephone: 972-419-8366
Facsimile: 972-419-8329
fly63rc@verizon.net

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/s/ Mark C. Enoch

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Velva L. Price
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D-1-GN-18-001835
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NO. D-1-GN-18-001835

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ALEX E. JONES, INFOWARS, LLC,	§	
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	§	
<i>Defendants</i>	§	TRAVIS COUNTY, TEXAS

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Respectfully submitted,

GLAST, PHILLIPS & MURRAY, P.C.

By: /s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360

14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Telephone: 972-419-8366
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I hereby certify that on this 10th day of October, 2018, the foregoing was served by Texas Online electronic service to the following:

Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
713-221-8300
mark@fbtrial.com

/s/ Mark C. Enoch

Mark C. Enoch



Velva L. Price
District Clerk, Travis County
P. O. Box 679003
Austin, TX 78767

BILL OF COST FOR CLERK'S RECORD

October 10, 2018

MARK CHARLES ENOCH
14801 QUORUM DR STE 500
DALLAS, TX 75254-1449

CASE NUMBER: D-1-GN-18-001835

NEIL HESLIN

VS

ALEX E. JONES, INFOWARS, LLC., FREE SPEECH SYSTEMS, LLC, AND OWEN
SHROYER

BALANCE DUE FOR CLERK'S RECORD OBO DF-1: **\$3192.00**

*****You can now pay your bill ONLINE*****

Visit <https://www.traviscountytx.gov/district-clerk> and click on **Online Payment**

THE RECORD WAS REQUESTED BY: CHARLES ENOCH

Please direct your payment to the attention of the undersigned, **"Court Costs, Fines, or Fees are due to the Travis County District Clerk no later than 10 business days from the date of this "Bill of Costs".**

If you have any questions, or need further assistance, please contact the District Clerk's office.

Thank You,

Selina Hamilton

HAMILTON LYNDAL SELINA

Type/Form Number: B03 - 000002686

Administrative Offices
(512) 854-9737
Fax: 854-4744

Civil and Family Division
(512) 854-9457
Fax: 854-6610

Criminal Division
(512) 854-9420
Fax: 854-4566

Jury Office
(512) 854-4295
Fax: 854-4457

Velva L. Price
Travis County District Clerk
Travis County Courthouse Complex
P.O. Box 679003
Austin, Texas 78767-9003



October 11, 2018

A Disk containing a complete copy of the clerk's record in cause number D-1-GN-18-00001835 // 03-18-00650-CV, styled NEIL HESLIN VS. ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, AND OWEN SHROYER, was hand delivered by Selina Hamilton to the Third Court of Appeals clerk on OCTOBER 11, 2018. The cost of the clerk's record was \$3192.00, and it was paid for on OCTOBER 11, 2018.

3rd Court of Appeals Clerk

Selina Hamilton

Court Clerk II
Travis County District Clerk's Office
Civil Division

Velva L. Price
Travis County District Clerk
Travis County Courthouse Complex
P.O. Box 679003
Austin, Texas 78767-9003



October 11, 2018

A Flash Drive/Thumb Drive containing video exhibits to (1) Defendants' First Amended Answer, and (2) Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed July 23, 2018) and Letter from Defendants' attorney transmitting thumb drive containing video exhibits to Defendants' Second Supplement to Motion to Dismiss (filed August 30, 2018) in cause number D-1-GN-18-001835 // 03-18-00650-CV, styled NEIL HESLIN VS. ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, AND OWEN SHROYER, was hand delivered by Selina Hamilton to the Third Court of Appeals clerk on October 11 2018.

3RD Court of Appeals Clerk

Selina Hamilton



Court Clerk II
Travis County District Clerk's Office
Civil Division

CERTIFIED MAIL # 7014-2120-0000-8248-0706

Administrative Offices
(512) 854-9457
fax: 854-4744

Civil and Family Division
(512) 854-9457
fax: 854-9549

Criminal Division
(512) 854-9420
fax: 854-4566

Jury Office
(512) 854-9669
fax: 854-4457

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Irene Silva

GLAST, PHILLIPS & MURRAY
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(972) 419-8300
FACSIMILE (469) 206-5022

BOARD CERTIFIED – CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL
SPECIALIZATION

October 15, 2018

Via email and via e-filing
Tiffaney Gould [Tiffaney.Gould@traviscountytexas.gov]

Ms. Tiffaney Gould,
Court Operations Officer for
District Judge Scott Jenkins
Heman Marion Sweatt Travis
County Courthouse
1000 Guadalupe, 5th Floor
Austin, Texas 78701

Re: *Neil Heslin v. Alex E. Jones, Infowars, LLC, Free Speech Systems,*
LLC and Owen Shroyer; Cause No. D-1-GN-18-001835, 261st
District Court, Travis County, Texas

Dear Ms. Gould:

We received an email from Elissa Hogan inquiring about the hearing time on November 1, 2018 on Defendants' Motion to Dismiss. Since the case is stayed by the appeal this hearing will not take place on November 1.

Respectfully,

/s/ Mark C. Enoch

Mark C. Enoch

MCE:mji

cc: Mr. Mark Bankston (*via e-service*)



COURT OF APPEALS

THIRD DISTRICT OF TEXAS
P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
DAVID PURYEAR, JUSTICE
MELISSA GOODWIN, JUSTICE
SCOTT K. FIELD, JUSTICE
CINDY OLSON BOURLAND, JUSTICE
MICHAEL TOTH, JUSTICE

JEFFREY D. KYLE, CLERK

October 26, 2018

Filed In The District Court
of Travis County, Texas
on October 26, 2018
at 6:05 PM DS
Velva L. Price, District Clerk

Mr. Mark C. Enoch
Glast, Phillips & Murray, PC
14801 Quorum Dr Ste 500
Dallas, TX 75254-1449
* DELIVERED VIA E-MAIL *

Mr. Mark Bankston
Kaster Lynch Farrar & Ball
10 IO Lamar, Suite 1600
Houston, TX 77002
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-18-00650-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Counsel:

On October 11, 2018, the one-volume clerk's record was filed in this Court.
The due date for appellant's brief is extended to November 15, 2018, on this Court's own motion.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker
Courtland Crocker, Deputy Clerk

cc: The Honorable Velva L. Price



COURT OF APPEALS

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October 26, 2018

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RE: Court of Appeals Number: 03-18-00650-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v.

Neil Heslin

Dear Counsel:

Two volumes of exhibits were filed in this Court on 10/11/2018.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker
Courtland Crocker, Deputy Clerk

cc: The Honorable Velva L. Price



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

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October 26, 2018

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Mr. Mark C. Enoch
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14801 Quorum Dr Ste 500
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Mr. Mark Bankston
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* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-18-00650-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v.

Neil Heslin

Dear Counsel:

One volume of exhibits was filed in this Court on 10/11/2018.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker
Courtland Crocker, Deputy Clerk

cc: The Honorable Velva L. Price

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Selina Hamilton

GLAST, PHILLIPS & MURRAY
A PROFESSIONAL CORPORATION

MARK C. ENOCH, J.D., M.B.A.
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November 6, 2018

Via e-filing

Travis County 261st
Judicial District Clerk
P.O. Box 679003
Austin, TX 78767-9003

Re: *Neil Heslin v. Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer*; Cause No. D-1-GN-18-001835, 261st District Court, Travis County, Texas; Third Court of Appeals Case No. 03-18-00650-CV

Dear Clerk:

Please accept this letter as our request that you supplement the clerk's record in the appeal pending in the Third Court of Appeals to include the October 15, 2018 e-filed correspondence from the undersigned to Ms. Tiffaney Gould.

If there are any questions or if there is any additional charge to supplement the record as requested, please do not hesitate to contact my assistant, Melanie Illig, at 972-419-8347. Thank you for your assistance.

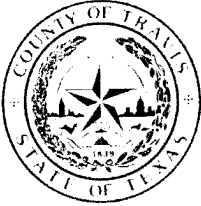
Very truly yours,

/s/ *Mark C. Enoch*

Mark C. Enoch

:mji

cc: Mr. Mark Bankston



Velva L. Price
District Clerk, Travis County
P. O. Box 679003
Austin, TX 78767

BILL OF COST FOR CLERK'S RECORD

November 07, 2018

MARK CHARLES ENOCH
14801 QUORUM DR STE 500
DALLAS, TX 75254-1449

CASE NUMBER: D-1-GN-18-001835

NEIL HESLIN

VS

ALEX E. JONES, INFOWARS, LLC., FREE SPEECH SYSTEMS, LLC, AND OWEN
SHROYER

BALANCE DUE FOR CLERK'S RECORD OBO DF-: \$11.00

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Please direct your payment to the attention of the undersigned, "Court Costs, Fines, or Fees are due to the Travis County District Clerk no later than 10 business days from the date of this "Bill of Costs".

If you have any questions, or need further assistance, please contact the District Clerk's office.

Thank You,

Selina Hamilton

HAMILTON LYNDIA SELINA

Type/Form Number: B03 - 000002709

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Jury Office
(512) 854-4295
Fax: 854-4457

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Irene Silva

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FACSIMILE (469) 206-5022

December 7, 2018

via e-filing

Ms. Tiffaney Gould,
Court Operations Officer for
District Judge Scott Jenkins
Heman Marion Sweatt Travis
County Courthouse
1000 Guadalupe, 5th Floor
Austin, Texas 78701

Re: *Neil Heslin v. Alex E. Jones, Infowars, LLC, Free Speech Systems,
LLC and Owen Shroyer*; Cause No. D-1-GN-18-001835, 261st
District Court, Travis County, Texas

Dear Ms. Gould:

I will be on vacation/unavailable from February 3 through February 18, 2019 and
March 24, 2019 through April 9, 2019.

Please do not schedule any hearings or court trial dates during this time-frame. By
copy of this letter I am requesting that opposing counsel not schedule any hearings or
depositions during this time period as well. Thank you for your attention to this matter.

Respectfully,

/s/ Mark C. Enoch

Mark C. Enoch

MCE:mji

cc: Mr. Mark Bankston (*via e-service*)



Velva L. Price
District Clerk, Travis County
P. O. Box 679003
Austin, TX 78767

SECOND NOTICE
BILL OF COST FOR CLERK'S RECORD

December 07, 2018

ENOCK MARK CHARLES
14801 QUORUM DR STE 500
DALLAS, TX 75254-1449

CASE NUMBER: D-1-GN-18-001835

NEIL HESLIN

VS

ALEX E. JONES, INFOWARS, LLC.,

BALANCE DUE FOR CLERK'S RECORD OBO DF-1: \$11.00

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THE RECORD WAS REQUESTED BY:

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If you have any questions, or need further assistance, please contact the District Clerk's office.



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Fax: 854-4566

Jury Office
(512) 854-4295
Fax: 854-4457

Selina Hamilton

From: noreply@txcourts.gov
Sent: Monday, December 10, 2018 3:55 PM
To: Selina Hamilton
Subject: [CAUTION EXTERNAL] 3rd Court of Appeals Successful Record Submission

CAUTION: This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

Your upload to <http://rsp.txcourts.gov> has completed successfully. Please reference the following Trace Number when inquiring about this record.

Trace Number: 9493
Appellate Court: 3rd Court of Appeals
Appellate Case Nbr: 03-18-00650-CV
Trial Court County: Travis
Trial Court: 261st District Court
Trial Case: D-1-GN-18-001835
File Count: 1

Files Submitted:
GN-18-001835 SUPPLEMENTAL CLERK'S RECORD.pdf: FileSize: 505 kb

If there is a problem with this Trace Number, please forward this email to ServiceDesk@txcourts.gov with a summary of the problem.



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdeoa.aspx
(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
DAVID PURYEAR, JUSTICE
MELISSA GOODWIN, JUSTICE
SCOTT K. FIELD, JUSTICE
CINDY OLSON BOURLAND, JUSTICE
MICHAEL TOTH, JUSTICE

JEFFREY D. KYLE, CLERK

December 11, 2018

Supreme Court of Texas
December 11, 2018
6:06 PM
DS

Mr. Mark C. Enoch
Glast, Phillips & Murray, PC
14801 Quorum Dr Ste 500
Dallas, TX 75254-1449
* DELIVERED VIA E-MAIL *

Mr. Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-18-00650-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Counsel:

A supplemental clerk's record (one-volume) was filed in this Court on **December 10, 2018**.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker
Courtland Crocker, Deputy Clerk

cc: The Honorable Velva L. Price

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Daniel Smith

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	53 rd DISTRICT COURT
OWEN SHROYER,	§	
<i>Defendants</i>	§	

PLAINTIFF'S FIRST AMENDED PETITION

Plaintiff NEIL HESLIN files this First Amended Petition against Defendants, ALEX JONES, INFOWARS, LLC, and FREE SPEECH SYSTEMS, LLC, and alleges as follows:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to seek a customized discovery control plan under Level 3 of Texas Rule of Civil Procedure 190.4.

PARTIES

2. Plaintiff Neil Heslin in an individual residing in the State of Connecticut.

3. Defendant Alex E. Jones is a resident of Austin, Texas. He is the host of radio and web-based news programming, including "The Alex Jones Show," and he owns and operates the website InfoWars.com. Mr. Jones has answered through his respective counsel.

4. Defendant InfoWars, LLC is a Texas limited liability company with principal offices located in Austin, Texas and has answered through its respective counsel of record.

5. Defendant Free Speech Systems, LLC is a Texas limited liability company with principal offices located in Austin, Texas and has answered through its respective counsel of record.

6. Defendant Owen Shroyer is an individual residing in Travis County. At all times relevant to this suit, Mr. Shroyer has been a reporter for InfoWars. Mr. Shroyer has answered through his respective counsel.

7. At all times relevant to this Petition, Defendants Alex Jones, InfoWars, LLC, and Free Speech Systems, LLC operated as a joint-venture, joint-enterprise, single business enterprise, or alter ego.

JURISDICTION & VENUE

8. The damages sought in this case exceed the minimum jurisdictional limits of Travis County District Courts.

9. Venue is proper in Travis County under Tex. Civ. Prac. & Rem. Code §15.002 because it is the county of Defendants' residence at the time the cause of action accrued.

FACTUAL BACKGROUND

10. Plaintiff Neil Heslin is the parent of deceased minor J.L., a victim of the December 14, 2012 Sandy Hook Elementary School shooting.

11. This case arises out of the intentional infliction of emotional distress committed against Plaintiff for the past five years through InfoWars' recklessly false statements concerning the circumstances of the death of his child, as well as InfoWars' coordination and encouragement of a fringe community of dangerous fanatics who have stalked and endangered the Sandy Hook parents.

12. In addition, InfoWars has repeatedly promoted a dreadful and despicable false narrative about Sandy Hook in which it mocks the families as liars and accuses them of a sinister conspiracy. Plaintiff's family has been specifically targeted in this campaign of harassment.

13. In addition to the mockery of the families, InfoWars has spent years advancing a vast collection of grotesque and outrageous falsehoods about the circumstances of the shooting and the subsequent law enforcement investigation and media coverage.

14. All of these baseless and vile accusations, which have been pushed by InfoWars and Mr. Jones on a continuous basis since the shooting, advance the idea that the Sandy Hook massacre did not happen, or that it was staged by the government and concealed using carefully placed actors, or that the families of the victims are also participants in a horrifying cover-up. InfoWars knew its assertions were false or made these statements with reckless and outrageous disregard for their truth.

15. In addition, Plaintiff brings a cause of action for defamation arising out of accusations by InfoWars in the summer of 2017 that Plaintiff was lying about whether he actually held his son's body and observed a bullet hole in his head. This heartless and vile act of defamation re-ignited the Sandy Hook "false flag" conspiracy and tore open the emotional wounds that Plaintiff has tried so desperately to heal.

INFOWARS' FIVE YEARS OF HARASSING COVERAGE OF SANDY HOOK

16. Beginning in the month of the shooting, in December 2012, InfoWars published multiple videos with false information while claiming the incident was a "false flag" or otherwise staged.

17. InfoWars continued with a video on January 27, 2013 entitled "Why People Think Sandy Hook is a Hoax," Mr. Jones introduced a variety of completely baseless claims which he would continually repeat with malicious obsession for the next five years.

18. On March 28, 2013, InfoWars published an article advancing its hoax claim, entitled "Cover-Up of Adam Lanza Link to Psychotropic Drugs."

19. In an April 9, 2013 video entitled "Obama Gun Grabbing Psyop Speech of Evil," Mr. Jones warned his viewers that recent mass shootings were actually "a government operation," and that Sandy Hook was an "inside job."

20. In an April 16, 2013 video entitled "Shadow Govt Strikes Again," Mr. Jones discussed his allegation that the government was staging various national

tragedies. He told his audience: "They staged Sandy Hook. The evidence is just overwhelming, and that's why I'm so desperate and freaked out."

21. On January 27, 2014, InfoWars published an article advancing its hoax claim, entitled "Exposed: Sandy Hook Shooter's Biggest Threat Still Lives."

22. On February 18, 2014, InfoWars published an article advancing its hoax claim, entitled "School Shooting Expert Threatened Over Sandy Hook Investigation."

23. In a March 14, 2014 video entitled "Sandy Hook, False Narratives Vs. The Reality," Mr. Jones said, "Folks, we've got video of Anderson Cooper with clear blue-screen out there. [Shaking head]. He's not there in the town square. We got people clearly coming up and laughing and then doing the fake crying. We've clearly got people where it's actors playing different parts for different people, the building bulldozed, covering up everything. Adam Lanza trying to get guns five times we're told. The witnesses not saying it was him...I've looked at it and undoubtedly, there's a cover-up, there's actors, they're manipulating, they've been caught lying, and they were pre-planning before it and rolled out with it."

24. On May 9, 2014, InfoWars published an article advancing its hoax claim, entitled "Revealed: Sandy Hook Truth Exposed."

25. On May 13, 2014, InfoWars published an article advancing its hoax claim, entitled "Connecticut Tries to Hide Sandy Hook Truth."

26. On May 13, 2014, InfoWars published a video entitled "Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert." Mr. Jones hosted a

notorious crank, Wolfgang Halbig, who solicits donations to support his “investigation” into Sandy Hook. Mr. Halbig maintains that the event was staged and that the parents are actors. Mr. Jones agreed with Mr. Halbig during the video, and he asked his viewers to financially support Halbig. Over the coming years, Mr. Halbig was a frequent guest, and InfoWars continued to provide support and encouragement to Mr. Halbig to carry out his campaign of harassment against the Sandy Hook parents.

27. On September 24, 2014, InfoWars published an article advancing its hoax claim, titled: “FBI Says No One Killed At Sandy Hook.”

28. InfoWars also published a video on September 25, 2014 entitled “Connecticut PD Has FBI Falsify Crime Statistics.” Mr. Jones again hosted Mr. Halbig for a lengthy discussion in which they accused Plaintiff and other parents of lying about the tragedy for a nefarious purpose. Mr. Jones stated:

This is not a game...If you've got a school of 100 kids and then nobody can find them, and you've got parents laughing going “Ha, Ha, Ha,” and then they walk over to the camera and go (crying), and I mean, not just one, but a bunch of parents doing this and then photos of kids that are still alive they said die. I mean, they think we're so dumb that it's really hidden in plain view, and so the preponderance -- I mean, I thought they had some scripting early on to exacerbate and milk the crisis as Rahm Emmanuel said, but when you really look at it, where are the lawsuits? There would be incredible lawsuits and payouts, but there haven't been any filed, nothing. I've never seen this. This is incredible.

29. On September 26, 2014, InfoWars published an article advancing its hoax claim, entitled: "Sandy Hook Investigator: Connecticut PD Had FBI Falsify Crime Statistics."

30. On December 2, 2014, InfoWars published an article promoting the hoax video entitled "We Need to Talk About Sandy Hook."

31. On December 9, 2014 published an article advancing its hoax claim, entitled: "Internet Censors Viral Sandy Hook Truth Documentary."

32. In a December 27, 2014 broadcast entitled "Lawsuit Could Reveal Truth About Sandy Hook Massacre," Mr. Jones made numerous false claims about Sandy Hook, including his false allegations about "rotations in and out of the building," "blue-screen," "police in anti-terror outfits in the woods," and many others. Mr. Jones described the alleged "acting" by the parents as "just over the top, over the top sick." The video also featured claims that the event was undertaken as a Satanic ritual by global elites.

33. In a December 29, 2014 broadcast entitled "America the False Democracy," Jones again discussed Sandy Hook, telling his audience, "The whole thing is a giant hoax. And the problem is how do you deal with a total hoax? How do you even convince the public something is a total hoax?" Mr. Jones stated, "It took me about a year, with Sandy Hook, to come to grips with the fact that the whole thing was fake. I did deep research."

34. In the same December 2014 broadcast, Jones continued with more false assertions: "The general public doesn't know the school was actually closed the year before. They don't know they've sealed it all, demolished the building. They don't know that they had the kids going in circles in and out of the building as a photo-op. Blue screen, green screens, they got caught using."

35. On January 2, 2015, InfoWars published an article advancing its hoax claim, entitled "Mystery: Sandy Hook Victim Dies (Again) in Pakistan."

36. In a January 13, 2015 broadcast entitled "Why We Accept Gov't Lies," Mr. Jones continued his allegations about Sandy Hook. During his discussion, he stated:

You learn the school had been closed and re-opened. And you've got video of the kids going in circles, in and out of the building, and they don't call the rescue choppers for two hours, and then they tear the building down, and seal it. And they get caught using blue-screens, and an email by Bloomberg comes out in a lawsuit, where he's telling his people get ready in the next 24 hours to capitalize on a shooting. Yeah, so Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured. I couldn't believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors. I mean they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in Turkey, or Pakistan. The sky is now the limit."

37. Mr. Jones' statement about Pakistan refers to a conspiracy theory Jones helped spread involving a Sandy Hook victim whose photograph appeared at vigil for children slain a school attack in Peshawar. InfoWars' story was meant to reinforce Mr.

Jones' persistent lie that the victims of the shooting, such as Plaintiff's deceased son J.L., are not real, or that some sinister conspiracy murdered his child.

38. In a February 12, 2015 video with an unknown title, Mr. Jones continued to repeat his false claims. During his discussion, Mr. Jones stated, "I know they're using blue screens...There are literally hundreds of smoking guns here that this thing doesn't add up."

39. In a March 4, 2015 video entitled "New Bombshell Sandy Hook Information In-Bound," Mr. Jones continued to promote Mr. Halbig, hosting him for a wide-ranging discussion accusing the parents of evil acts. Mr. Jones told Mr. Halbig, "We know it stinks. I mean, it's phony. The question is what is going on. We don't know. We just know it's fake."

40. In June of 2015, InfoWars sent its reporter Dan Bidondi to Newtown, Connecticut to accompany Mr. Halbig. While in Newtown, Bidondi and Halbig confronted Newtown residents and civil servants. Mr. Bidondi, a former cage-fighter, aggressively berated several individuals with profanity, false claims, and outrageous threats to publicize their crimes. Their activities created a climate of fear in the community.

41. In a July 7, 2015 broadcast entitled "Government Is Manufacturing Crises," Mr. Jones again asserted that Sandy Hook was staged:

If they did kill kids, they knew it was coming, stocked the school with kids, killed them, and then had the media there, and that probably didn't even happen. I mean, no wonder we get so many death threats and so much heat and so

much other stuff I'm not going to get into, behinds the scenes, when we touch Sandy Hook because, folks, it's as phony as a three-dollar bill.

42. In a July 7, 2015 video entitled "Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up," Mr. Jones repeated a large selection of his false claims about Sandy Hook. During his discussion, Mr. Jones stated:

No emergency helicopters were sent. The ambulances came an hour and a half later and parked down the road. DHS an hour and a half later with the time stamp put up signs saying sign in here. They had porta-potties being delivered within an hour and a half. It looked like a carnival. It looked like a big PR stunt.

Came out that Bloomberg a day before sent an email out to his gun control groups in all 50 states saying, "Prepare to roll, maybe operation coming up." That came out in the news.

We have the emails from city council back and forth and the school talking about it being down a year before. We have the school then being demolished, and the records being sealed. We have videos that look just incredibly suspicious where people are laughing and everything, and then they start huffing and puffing and start crying on TV, which is pure acting method...

You've got green-screen with Anderson Cooper, where I was watching the video, and the flower and plants were blowing in some of them, and then they blow again the same way. It's looped. And then his nose disappears. I mean, it's fake. The whole thing is...I don't know what happened. It's kind of like if you see a hologram at Disney World in the Haunted House. You know? I don't know how they do it, but it's not real. When you take your kids to see the Haunted House and ghosts are flying around, it's not real, folks. It's staged. I mean, a magician grabs a rabbit out of his hat. I know he's got a box under the table that he reaches in and gets the rabbit. I don't know what the trick

is here. I've got a good suspicion. But when you've got Wolfgang Halbig...He believed it was real. People called him. He went and investigated. No paperwork, no nothing. It's bull. And now an FBI retired agent, who retired, you know, with decorations. I mean, [InfoWars reporter Rob] Dew, this unprecedented.

43. On July 10, 2015, InfoWars published an article advancing its hoax claim, entitled "Sandy Hook FOIA Killed by Commission."

44. On January 5, 2016, InfoWars published an article advancing its hoax claim, entitled "Obama's Crying Fuels Speculation It Was Faked."

45. In January of 2016, InfoWars follower Lucy Richards began stalking and making death threats to Leonard Pozner, a fellow Sandy Hook parent and personal friend of Plaintiff Scarlett Lewis. The threats included messages stating: "Death is coming to you real soon" and "LOOK BEHIND YOU IT IS DEATH."¹ When Richards was later sentenced, Senior U.S. District Judge James Cohn stated: "I'm sure [Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.'s] heartbeat and hear [N.P.] say 'I love you, Dad'...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts."² As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including InfoWars.³ Ms. Richard's arrest and sentencing are an ominous

¹ <https://www.nbcnews.com/news/us-news/conspiracy-theorist-arrested-death-threats-against-sandy-hook-parent-n693396>

² <http://www.nydailynews.com/news/crime/judge-hands-sandy-hook-truther-prison-sentence-article-1.3229754>

³ <https://www.buzzfeed.com/claudiakoerner/a-conspiracy-theorist-will-serve-time-for-threatening-a>

reminder to the Plaintiff of the danger posed by InfoWars' continuing lies about Sandy Hook.

46. Mr. Jones and InfoWars were well-aware of the unhinged community of "Sandy Hook Investigators" they had fostered. Mr. Jones knew that a large collection of Sandy Hook deniers were coordinating their harassment. Plaintiff and his family have suffered harassment and threats from this community. Mr. Jones and InfoWars have frequently communicated with the hoax community and have interviewed or promoted members of this dangerous community on their programming. During a February 2015 video, one prominent member of the Sandy Hook denier community issued a threat to a Sandy Hook parent on the air. During the same video, Mr. Jones showed maps and addresses used by the parent. This parent was the leader of a Sandy Hook non-profit who had complained to YouTube about the emotional distress caused by Jones. Since that time, Mr. Jones' open animosity towards the Sandy Hook parents has been on full display.

47. By November 2016, a growing tide of public outrage caused Mr. Jones to appear on InfoWars and rant about his false Sandy Hook claims for twenty minutes in what he called his "Final Statement on Sandy Hook," published on November 18, 2016.

48. During the outrageous video, Mr. Jones directly addressed the public outcry over his statements by doubling down on his accusations. For example, Mr. Jones stated: "That shows some kind of cover-up happening. And then I saw Anderson

Cooper -- I've been in TV for twenty-something years, I know a blue-screen or a green-screen -- turn and his nose disappeared. Then I saw clearly that they were using footage on the green-screen looped, because it would show flowers and other things during other broadcasts that were moving, and then basically cutting to the same piece of footage...Then we see footage of one of the reported fathers of the victims, Robbie Parker, doing classic acting training."

49. The gist of these statements was that some Sandy Hook parents are actually participating in a sinister manipulation plan to fool the public, or that a shadowy cabal of elites pre-planned the murder of their children and controlled the coverage of the event through the media manipulation.

50. During the November 2016 broadcast, Mr. Jones played video footage of Anderson Cooper interviewing Sandy Hook parent Veronique De La Rosa, at which point Jones stated: "We point out clear chromakey, also known as blue-screen or greenscreen being used, and we're demonized. We point out that they're clearly doing fake interviews...and their answer is to say that we said nobody died." In other words, Mr. Jones admitted that Plaintiff's son actually died and that Plaintiff may not be lying, but Jones still maintained the event was a pre-planned government operation. Mr. Jones' statements in support of this assertion were recklessly false.

51. Towards the end of the November 2016 broadcast, Mr. Jones stated: "Why should anybody fear an investigation? If they have nothing to hide? In fact, isn't

that in Shakespeare's Hamlet? Methinks you protest too much...This particular case, they are so scared of investigation."

52. Mr. Jones concluded the video by accusing certain parents seen on television of being actors. Mr. Jones stated, "So, if children were lost at Sandy Hook, my heart goes out to each and every one of those parents. And the people who say they're parents that I see on the news. The only problem is, I've watched a lot of soap operas. And I've seen actors before. And I know when I'm watching a movie and when I'm watching something real."

53. The November 2016 video broadcast was entitled, "Alex Jones Final Statement on Sandy Hook." It was Plaintiff's hope that the title was accurate, and that Mr. Jones would finally end his reckless attacks on the Sandy Hook parents and his assertions that they were liars and actors engaged in a fraud on the American people.

54. As horrifying as the November 2016 broadcast was, its promise of being the "Final Statement" gave some hope to Plaintiff that Mr. Jones' harassment might be coming to an end after four long years.

55. Those hopes were soon dashed. Instead, InfoWars continued its cruel campaign in 2017.

56. In a March 8, 2017 video, Mr. Jones praised the credibility of Steve Pieczenik, who had previously claimed on InfoWars programming that Sandy Hook was "a Homeland Security drill that they passed off as a real event." Mr. Jones admitted that despite his years of prior statements, "I can't prove it one way or the

other.” Nonetheless, Mr. Jones repeated his accusation that Veronique De La Rosa’s interview with Anderson Cooper was faked in front of a blue screen. He also told his audience that Anderson Cooper was in the CIA, hoping to convince them that the agency was part of the plot.

57. On April 22, 2017, InfoWars published a video entitled “Sandy Hook Vampires Exposed.” This video again repeated the large collection of false accusations which Mr. Jones had been using for years to support his ceaseless attacks on the Sandy Hook families, including the false claims that Sandy Hook parent Veronique De La Rosa participated in a fake blue-screen interview with Anderson Cooper, that the school was closed until that year and was rotting and falling apart in videos, that the children were “going in circles, in and out of the building with their hands up,” that port-a-potties had been delivered “an hour after it happened, for the big media event,” and that police were “pulling guns out of cars” and “finding people in the back woods who are dressed up in SWAT gear.” Not only did this video continue to advance these hideous and reckless lies about the tragedy, but Mr. Jones and his employee Rob Dew mocked the families as actors and discussed their desire to see photographs of the children’s dead bodies.

58. On June 13, 2017, in a video entitled “Media Refuses to Report Alex Jones’ Real Statements on Sandy Hook,” Mr. Jones addressed what he knew would be a highly embarrassing interview with Megyn Kelly that was scheduled to air several days later. During this video, Mr. Jones pointed his viewers to a list of questions

published by Zero Hedge, a notorious anonymous website that spreads misinformation. These questions were all based on Mr. Jones' baseless lies, including his allegation that school's website received no internet traffic in the years before the attack, that there had been reports of other shooters in the woods who fled, that port-a-potties had been delivered within an hour, that FBI crime statistics show no murders in Newtown in 2012, that EMTs were not allowed in the building, and that Mrs. De La Rosa's interview was faked using a blue-screen.

59. On June 18, 2017, NBC aired Ms. Kelly's profile of Jones. During his interview, Mr. Jones stated that there had been a "cover-up" and "manipulation." He also falsely claimed that children were filmed going in circles in and out of the school.

60. The following exchange took place:

MEGYN KELLY: But Alex, the parents, one after the other, devastated. The dead bodies that the coroner autopsied...

ALEX JONES: And they blocked all that. And they won't release any of it. That's unprecedented.

61. Mr. Jones and Ms. Kelly also had the following exchange:

JONES: But then what do you do, when they've got the kids going in circles, in and out of the building with their hands up? I've watched the footage. And it looks like a drill.

MEGYN KELLY: When you say, "parents faked their children's death," people get very angry.

ALEX JONES: Yeah, well, that's - oh, I know. But they don't get angry about the half million dead Iraqis

from the sanctions. Or they don't get angry about all the illegals pouring in.

INFOWARS' 2017 VIDEOS DEFAMING PLAINTIFF

62. During her profile of Mr. Jones, Ms. Kelly interviewed Plaintiff Neil Heslin about the claims made by Mr. Jones. Addressing Mr. Jones' hateful lies, Mr. Heslin told Ms. Kelly, "I lost my son. I buried my son. I held my son with a bullet hole through his head."

63. On June 26, 2017, InfoWars published a video segment hosted by reporter Owen Shroyer in which Mr. Shroyer claimed to have reviewed evidence -- again, from notorious website Zero Hedge -- showing it was impossible for Mr. Heslin to have held his son and see his injury.

64. During the broadcast, Shroyer said, "The statement [Mr. Heslin] made, fact-checkers on this have said cannot be accurate. He's claiming that he held his son and saw the bullet hole in his head. That is his claim. Now, according to a timeline of events and a coroner's testimony, that is not possible."

65. As support for these malicious statements, Mr. Shroyer played deceptively edited video footage in which the local medical examiner informed reporters that the slain students were initially identified using photographs rather than in person. Mr. Shroyer also used a video clip of Sandy Hook parent Lynn McDonnell which had been deceptively edited to suggest that she was never allowed access to her child's body. In truth, Mrs. McDonnell stated in her interview that she was in possession of her child's body.

66. Mr. Shroyer also stated, “You would remember if you held your dead kid in your hands with a bullet hole. That’s not something you would just misspeak on.”

67. Mr. Shroyer continued by stating that Mr. Heslin was “making a pretty extreme claim that would be a very thing vivid in your memory, holding his dead child.”

68. Mr. Shroyer also stated, “The conspiracy theorists on the internet out there have a lot of questions are that are yet to be answered. You say whatever you want about the event, that’s just a fact.”

69. At the conclusion of his report, Mr. Shroyer stated, “Will there be a clarification from Heslin or Megyn Kelly? I wouldn’t hold your breath. [Laugh]. So now they’re fueling the conspiracy theory claims. Unbelievable.”

70. Mr. Shroyer’s report was recklessly false and outrageous. A minimal amount of research would have caused any competent journalist not to publish the defamatory accusation. According to contemporary news accounts, the bodies of the victims were released from the medical examiner into the custody of the families.⁴ Funerals where the children’s bodies were in the custody of their parents were widely reported on by the press.⁵ More importantly, the full versions of the deceptively edited interviews used by Mr. Shroyer explicitly contradict his allegations.

⁴ <https://patch.com/connecticut/newtown/police-no-motive-emerging-in-newtown-school-shooting>

⁵ <http://abcnews.go.com/US/photos/sandy-hook-moment-silence-18026580/image-18045101>;
https://www.washingtonpost.com/politics/funerals-for-newtown-massacre-victims-begin/2012/12/17/ffd0a130-486d-11e2-820e-17eefac2f939_story.html?utm_term=.0ccbbb4af100

71. On July 20, 2017, InfoWars programming featured a segment hosted by Mr. Jones in which Mr. Shroyer's report was re-broadcast in full. When introducing the segment, Mr. Jones demanded that Mr. Heslin "clarify" what actually happened.

72. Mr. Jones said he told Mr. Shroyer, "I could never find out. The stuff I found was they never let them see their bodies. That's kind of what's weird about this." Dripping with sarcasm, Mr. Jones stated, "But maybe they did. So I'm sure it's all real. But for some reason they don't want you to see [Shroyer's segment]."

73. After five years of torment by Mr. Jones, the harassment had become directly and aggressively focused on Plaintiff's family. Mr. Jones had cast the attention of his dangerous followers specifically towards J.L.'s' death and Plaintiff's family.

INFOWARS CONTINUED HARASSMENT

74. Over the next year, Mr. Jones continued to gaslight Mr. Heslin and other victims by insisting that he admitted for years that Sandy Hook was real. He even claims to have apologized in a video released on the day of Megyn Kelly profile, on June 18, 2017. Yet his video did not actually contain any apology, and soon thereafter, Mr. Jones continued to tell his viewers that the shooting was the result of a conspiracy. Ultimately Jones waffles and back forth on whether Mr. Heslin's son and the other children actually died, but he consistently maintains the event is "phony," and repeats his dozens of recklessly false assertions to support his conclusion.

75. For example, in an October 26, 2017 video entitled "JFK Assassination Documents To DROP Tonight," Mr. Jones claimed that the CIA visited Sandy Hook

shooter Adam Lanza and recruited him. He claimed that the truth about Lanza is not known because “they bulldozed the house to get rid of it.” Mr. Jones told his audience that Sandy Hook was “as phony as a three-dollar bill, with CNN doing fake newscasts, with blue screens.”

76. Despite his well-documented conduct, Mr. Jones decided to cast the families as dishonest not only about Sandy Hook, but about their own torment at his hands. In a video on April 20, 2018 entitled, “MSM Continues to Demonize Alex Jones,” Mr. Jones once again proved himself to be an emotionally manipulative liar while mocking the parents with a cruel and juvenile imitation:

I think they almost do this to mess with us or something. I'm serious, man...They go, "Oh, my gosh, why are you doing that? You hurt me." And we're like, "No, no. We're sorry." "You've hurt me." And like five years later, "You hurt me. Stop hurting me." And we're like, "But we're not bringing you up."

77. In truth, Mr. Jones has continuously leveled his accusations against the parents, repeated a collection of false claims about the shooting, and even claimed the incident was phony a few months before the first lawsuits were filed against him.

78. In the same video on April 20, 2018, Mr. Jones continued to accuse the parents of lying about his conduct, and he falsely claimed that he had not discussed Sandy Hook in many years. In a mocking imitation, he stated, “Oh, my gosh. Alex has no heart. He is -- nothing is sacred. He brought it up again.’ No. You did and lied about it.”

79. In the April 20, 2018 video, Mr. Jones also falsely claimed he had never attacked the victims, stating, "I have never gone after the Sandy Hook parents...Who in the hell would try to go after people's parents who have dead children?"

80. In the April 20, 2018 video, Mr. Jones also continued to make recklessly false claims about Sandy Hook. For example, Mr. Jones stated, "You can look it up. They stood down in Sandy Hook. They stood down in Parkland. That's a fact." Later in the video, he repeated his claim that there was a police "stand down" at Sandy Hook.

81. In the April 20, 2018 video, Mr. Jones also continued his bizarre allegations about Veronique De La Rosa's interview with Anderson Cooper, stating, "It's just a background with the flowers of the town hall and her and Anderson Cooper. And then he turns and his head is shimmery, and his nose disappears, which everybody knows is a chroma key." Mr. Jones also repeated his claim that Anderson Cooper was working for the CIA, and he continued to assert that the interview was shot in front of a blue-screen rather than the result of digital compression.

82. Finally, it must be noted that the above descriptions of InfoWars' conduct are not exhaustive. InfoWars has published an enormous amount of video and written content regarding its Sandy Hook hoax claim. Much of that material has been removed from the public domain over the last few months and cannot be identified by date and title. It is impossible for the Plaintiff to present the full scope of

InfoWars' actions over the past five years without testimony and documents from the participants.

83. Nonetheless, it is clear that InfoWars did not merely "cover" the Sandy Hook conspiracy. Instead, its malicious allegations about Sandy Hook quickly become a core element of its programming and soon turned into an outrageous five-year obsession.

CAUSES OF ACTION

I. Defamation and Defamation *Per Se*

84. All previous allegations are incorporated by reference.

85. Plaintiff is a private individual and is neither a public official nor a public figure.

86. The June 26, 2017 and July 20, 2017 broadcasts by Defendants were false, both in their particular facts and in the main point, essence, or gist in the context in which they were made.

87. The June 26, 2017 and July 20, 2017 broadcasts by Defendants, while defamatory in their own right, were also continuations and elaborations of an underlying defamatory assertion which Defendants have advanced since 2013, namely that Plaintiff has lied to the American people about the death of his son and has participated in a horrifying criminal cover-up.

88. In viewing the June 26, 2017 and July 20, 2017 broadcasts, a reasonable member of the public would be justified in inferring that the publications implicated the Plaintiff.

89. The June 26, 2017 and July 20, 2017 broadcasts were also defamatory because they are reasonably susceptible to a defamatory meaning by innuendo. A reasonable person, reviewing the statements in question, could conclude the Plaintiff was being accused of engaging in fraudulent or illegal activity. In context, the gist of the statements could be construed as defamatory to the Plaintiff by an average member of general public.

90. Defendants' defamatory publications were designed to harm Plaintiff's reputation and subject the Plaintiff to public contempt, disgrace, ridicule, or attack.

91. Defendants acted with actual malice. Defendants' defamatory statements were knowingly false or made with reckless disregard for the truth or falsity of the statements at the time the statements were made.

92. Defendants' defamatory publications were not privileged.

93. Defendants' defamatory statements constitute defamation *per se*. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate the Plaintiff in heinous criminal conduct. False implications of criminal conduct are the classic example of defamation *per se*.

94. Defendants publicly disseminated the defamatory publications to an enormous audience causing significant damages to the Plaintiff.

95. Defendants' defamatory publications have injured Plaintiff's reputation and image, and they have exposed Plaintiff to public and private hatred, contempt, and ridicule.

96. In light of their prior experience with these kinds of reckless statements, Defendants knew that their publication could cause Plaintiff to suffer harassment and potential violence.

97. Defendants' defamatory publications have and will continue to cause harm to Plaintiff. Due to Defendants' conduct, the Plaintiff has suffered and continues to suffer substantial damages in an amount to be proven at trial.

II. Intentional Infliction of Emotional Distress.

98. All previous allegations are incorporated by reference.

99. Defendants knew or should have known that their videos on November 18, 2016, March 8, 2017, April 22, 2017, June 13, 2017, June 19, 2017, June 26, 2017, July 20, 2017, October 26, 2017, and April 20, 2018 would cause Plaintiff severe emotional distress and cause his family to be the subject of harassment, ridicule, and threats to their safety.

100. Defendants made the statements in these videos in bad faith and with malicious motives, knowing the statements were false or in reckless disregard for the truth, and knowing they would cause severe emotional distress.

101. Defendants consistently published false assertions about the circumstances of the death of Plaintiff's child in scores of videos and articles for years,

long after it should have known its allegations were false and causing emotional distress and danger.

102. In addition, Defendants have been acting in a continuing course of conduct against Plaintiff since at least January 27, 2013, when Mr. Jones first made his outrageous and false Sandy Hook hoax allegation. Since that time, Defendants have been engaged in a continuous campaign of cruel and dishonest harassment as detailed above.

103. Defendants' malicious statements were part of a continuous pattern of five years of intentional and reckless harassment accomplished through dozens of disturbing videos, a relentless stream of recklessly false articles published on InfoWars.com, harassing social media content, as well as the encouragement, aid, and financial support to third parties in furthering this harassment. The cumulative quality and quantity of the harassment has been extreme and has shocked the nation.

104. Defendants recognized the existence and distress of the Sandy Hook parents and often addressed the parents directly in their outrageous videos.

105. In light of their prior experience with these kinds of reckless statements, Defendants knew or should have known that their conduct could cause Plaintiff and her family to suffer harassment and violence. Defendants knew or should have known their reckless conduct was likely to prompt its audience to contact or communicate with Sandy Hook victims in a hostile or harassing manner.

106. Severe emotional distress was the primary risk created by Defendants' reckless conduct.

107. Defendants' conduct, as a whole, was outrageous and intolerable, going beyond all possible bounds of decency.

108. Defendants' five-year campaign of willful lies and malicious harassment was utterly intolerable in a civilized community.

109. No reasonable person could be expected to endure the emotional distress inflicted upon Plaintiff.

110. Plaintiff is a private individual and is neither a public official nor a public figure.

111. Defendants' actions were not conducted in a public space. Rather, Defendants' actions were conducted on its own private property for the purpose of profit.

III. Conspiracy

112. All previous allegations are incorporated by reference.

113. Defendants acted together, as a cabal, to accomplish their campaign of defamation. Defendants had a meeting of the minds on the object or course of action underlying their pattern of conduct.

114. As a result of this meeting of the minds, Defendants collectively committed the unlawful overt acts detailed above.

115. Defendants are jointly and severally liable for the injuries Mr. Heslin suffered due to Defendants' wrongful actions.

IV. Respondeat Superior

116. All previous allegations are incorporated by reference.

117. When InfoWars employees acted in the manner described in this Petition, they did so as agents of InfoWars and within the scope of their authority from Mr. Jones.

118. InfoWars and Alex Jones are liable for the damages proximately caused by the conduct of employees and agents, including Owen Shroyer, pursuant to the doctrine of *respondeat superior*.

DAMAGES

119. Defendants' actions have and will continue to cause harm to Plaintiff. Due to Defendants' conduct, Plaintiff has suffered and continue to suffer substantial damages in an amount to be proven at trial.

120. Plaintiff has suffered general and special damages, including a severe degree of mental stress and anguish which disrupted her daily routine and caused a high degree of psychological pain.

121. Plaintiff is also entitled to exemplary damages because the Defendants acted with gross negligence, ill-will, and malice.

122. Plaintiff is entitled to pre-judgment and post-judgment interest, costs of court, and attorney's fees.

123. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff is seeking an amount in relief which exceeds \$1,000,000.

JURY DEMAND

124. Plaintiff demands a jury trial and tendered the appropriate fee with his Original Petition.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff Neil Heslin asks that the Court issue citation for each Defendant to appear and answer, and that Plaintiff be awarded all the damages set forth above, and to grant whatever further relief to which Plaintiff is justly entitled.

Respectfully submitted,

KASTER LYNCH FARRAR & BALL, LLP



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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2019, the forgoing pleading was served upon all counsel of record via electronic service, as follows.

Via E-Service: fly63rc@verizon.net

Mark C. Enoch
Glast, Phillips & Murray, P.C.
14801 Quorum Drive, Ste. 500
Dallas, Texas 75254

A handwritten signature in black ink, appearing to read 'M. Bankston', is written over a horizontal line.

MARK D. BANKSTON

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	53 rd DISTRICT COURT
OWEN SHROYER,	§	
<i>Defendants</i>	§	

PLAINTIFF'S THIRD AMENDED PETITION

Plaintiff NEIL HESLIN files this Third Amended Petition against Defendants, ALEX JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and OWEN SHROYER, and alleges as follows:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to seek a customized discovery control plan under Level 3 of Texas Rule of Civil Procedure 190.4.

PARTIES

2. Plaintiff Neil Heslin in an individual residing in the State of Connecticut.

3. Defendant Alex E. Jones is a resident of Austin, Texas. He is the host of radio and web-based news programing, including "The Alex Jones Show," and he owns and operates the website InfoWars.com. Mr. Jones can be served at his place of business, InfoWars, 3019 Alvin Devane Blvd., Suite 300-350, Austin, TX 78741.

4. Defendant InfoWars, LLC is a Texas limited liability company with principal offices located in Austin, Texas. It may be served at the address of its attorney, Eric Taube, at 100 Congress Avenue, 18th Floor, Austin, TX 78701.

5. Defendant Free Speech Systems, LLC is a Texas limited liability company with principal offices located in Austin, Texas. It may be served at the address of its registered agent, Eric Taube, at 100 Congress Avenue, 18th Floor, Austin, TX 78701.

6. Defendant Owen Shroyer is an individual residing in Travis County. At all times relevant to this suit, Mr. Shroyer has been a reporter for InfoWars. Mr. Shroyer can be served at the address of his employer, InfoWars, 3019 Alvin Devane Blvd., Suite 300-350, Austin, TX 78741.

7. At all times relevant to this Petition, Defendants Alex Jones, InfoWars, LLC, and Free Speech Systems, LLC operated as a joint-venture, joint-enterprise, single business enterprise, or alter ego.

JURISDICTION & VENUE

8. The damages sought in this case exceed the minimum jurisdictional limits of Travis County District Courts.

9. Venue is proper in Travis County under Tex. Civ. Prac. & Rem. Code §15.002 because it is the county of Defendants' residence at the time the cause of action accrued.

FACTUAL BACKGROUND

10. Plaintiff Neil Heslin is the parent of deceased minor J.L., a victim of the December 14, 2012 Sandy Hook Elementary School shooting.

11. This case arises out of accusations by InfoWars in the summer of 2017 that Plaintiff was lying about whether he actually held his son's body and observed a bullet hole in his head. This heartless and vile act of defamation re-ignited the Sandy Hook "false flag" conspiracy and tore open the emotional wounds that Plaintiff has tried so desperately to heal.

12. This conspiracy theory, which has been pushed by InfoWars and Mr. Jones since the day of the shooting, alleges that the Sandy Hook massacre did not happen, or that it was staged by the government and concealed using actors, and that the parents of the victims are participants in a horrifying cover-up.

13. During the June 18, 2017 profile of Jones for her NBC show *Sunday Night with Megyn Kelly*, Ms. Kelly interviewed Plaintiff about the claims made by Jones in the past, including that "the whole thing was fake" and "a giant hoax."¹ Addressing this hateful lie, Plaintiff told Kelly, "I lost my son. I buried my son. I held my son with a bullet hole through his head."²

14. On June 26, 2017, InfoWars' broadcast featured a segment hosted by reporter Owen Shroyer in which Shroyer claimed to have reviewed evidence showing it was impossible for Plaintiff to have held his son and see his injury.

¹ https://www.realclearpolitics.com/video/2017/06/18/full_video_megyn_kelly_interviews_alex_jones.html

² *Id.*

15. During the broadcast, Shroyer said, "The statement [Plaintiff] made, fact-checkers on this have said cannot be accurate. He's claiming that he held his son and saw the bullet hole in his head. That is his claim. Now, according to a timeline of events and a coroner's testimony, that is not possible."³

16. As support for these defamatory statements, Shroyer played video footage where the local medical examiner informed reporters that the slain students were initially identified using photographs rather than in person.

17. Shroyer also stated, "You would remember if you held your dead kid in your hands with a bullet hole. That's not something you would just misspeak on."⁴

18. Stroyer continued by stating that Plaintiff was "making a pretty extreme claim that would be a very thing vivid in your memory, holding his dead child."⁵

19. "The conspiracy theorists on the internet out there have a lot of questions are that are yet to be answered. You say whatever you want about the event, that's just a fact."⁶

20. At the conclusion of his report, Shroyer stated, "Will there be a clarification from Heslin or Megyn Kelly? I wouldn't hold your breath. [Laugh]. So now they're fueling the conspiracy theory claims. Unbelievable."⁷

³ <https://www.infowars.com/zero-hedge-discovers-anomaly-in-alex-jones-hit-piece/>

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

21. The underlying point or gist of Shroyer's report is that Plaintiff's version "is not possible" and "cannot be accurate," and that Plaintiff was lying about the circumstances of his son's tragic death for a nefarious and criminal purpose.

22. Shroyer's report was manifestly false. In addition, a minimal amount of research would have caused any competent journalist not to publish the defamatory accusation. According to contemporary news accounts, the bodies of the victims were released from the medical examiner into the custody of the families.⁸ Funerals where the children's bodies were in the custody of their parents were widely reported on by the press.⁹

23. On July 20, InfoWars programming featured a segment hosted by Alex Jones in which Shroyer's report was re-broadcast in full. When introducing the segment, Jones demanded that Plaintiff "clarify" what actually happened.

24. After showing the segment, Jones said he told Shroyer, "I could never find out. The stuff I found was they never let them see their bodies. That's kind of what's weird about this. But maybe they did. So I'm sure it's all real. But for some reason they don't want you to see [Shroyer's segment]." ¹⁰

⁸ <https://patch.com/connecticut/newtown/police-no-motive-emerging-in-newtown-school-shooting>

⁹ <http://abcnews.go.com/US/photos/sandy-hook-moment-silence-18026580/image-18045101>;
https://www.washingtonpost.com/politics/funerals-for-newtown-massacre-victims-begin/2012/12/17/ffd0a130-486d-11e2-820e-17eefac2f939_story.html?utm_term=.0ccbbb4af100

¹⁰ <https://www.mediamatters.org/blog/2017/07/21/alex-jones-sandy-hook-dad-needs-clarify-whether-he-actually-held-his-son-s-body-and-saw-bullet-hole/217333>

25. Regarding the Sandy Hook shooting, Jones said, "Can I prove that New Haven [sic] didn't happen? No. So I've said, for years, we've had debates about it, that I don't know. But you can't blame people for asking."¹¹

26. Mr. Jones was lying. In the five years following the tragedy, he has repeatedly and unequivocally called the Sandy Hook shooting a hoax.

BACKGROUND TO INFOWARS' 2017 DEFAMATORY STATEMENTS

27. In order to appreciate the full defamatory impact and the extent of the mental anguish caused by InfoWars' 2017 statements, it is necessary to understand InfoWars' long history of harassing the Sandy Hook parents. InfoWars' 2017 statements are but the latest in a series of false, hurtful, and dangerous assertions about the tragedy.

28. In 2013, Jones called the shooting "staged" and said, "It's got inside job written all over it."¹²

29. In March 2014, Jones said, "Folks, we've got video of Anderson Cooper with clear blue-screen out there. [Shaking head]. He's not there in the town square. We got people clearly coming up and laughing and then doing the fake crying. We've clearly got people where it's actors playing different parts for different people, the building bulldozed, covering up everything. Adam Lanza trying to get guns five times we're told. The witnesses not saying it was him...I've looked at it and undoubtedly,

¹¹ *Id.*

¹² <https://www.mediamatters.org/blog/2013/04/15/alex-jones-on-boston-blasts-us-govt-is-prime-su/193635>; <https://www.mediamatters.org/embed/clips/2016/11/29/51289/gcn-alexjones-20130409-sandyhook>

there's a cover-up, there's actors, they're manipulating, they've been caught lying, and they were pre-planning before it and rolled out with it."¹³

30. In May 2014, InfoWars published an article titled: "CONNECTICUT TRIES TO HIDE SANDY HOOK TRUTH."¹⁴

31. In September 2014, InfoWars published an article titled: "FBI SAYS NO ONE KILLED AT SANDY HOOK."¹⁵

32. In December 2014, Jones said on his radio program, "The whole thing is a giant hoax. How do you deal with a total hoax? It took me about a year, with Sandy Hook, to come to grips with the fact that the whole thing was fake. I did deep research."¹⁶

33. In the same December 2014 broadcast, Jones continued: "The general public doesn't know the school was actually closed the year before. They don't know they've sealed it all, demolished the building. They don't know that they had the kids going in circles in and out of the building as a photo-op. Blue screen, green screens, they got caught using."¹⁷

34. Jones made similar comments in January 2015, stating on InfoWars: "You learn the school had been closed and re-opened. And you've got video of the kids going in circles, in and out of the building, and they don't call the rescue choppers for

¹³ <https://www.mediamatters.org/embed/clips/2016/11/29/51283/gcn-alexjones-20140314-shooting>

¹⁴ <https://www.infowars.com/connecticut-tries-to-hide-sandy-hook-truth/>

¹⁵ <https://www.infowars.com/fbi-says-no-one-killed-at-sandy-hook/>

¹⁶ https://www.realclearpolitics.com/video/2017/06/18/full_video_megyn_kelly_interviews_alex_jones.html

¹⁷ <https://www.mediamatters.org/embed/clips/2016/11/29/51292/gcn-alexjones-20141228-sandyhook>

two hours, and then they tear the building down, and seal it. And they get caught using blue-screens, and an email by Bloomberg comes out in a lawsuit, where he's telling his people get ready in the next 24 hours to capitalize on a shooting. Yeah, so Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured. I couldn't believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors. I mean they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in Turkey, or Pakistan. The sky is now the limit."¹⁸

35. Mr. Jones' statement about Pakistan refers to a conspiracy theory Jones helped spread involving deceased minor child N.P., a Sandy Hook victim whose photograph appeared at vigil for children slain a school attack in Peshawar. On the day of the Peshawar incident, a Pakistani woman created a collage of photographs of young people killed in school attacks and posted it to Facebook with the caption "They Went to School and Never Came Back."¹⁹ Because the Peshawar shooting occurred very close to the anniversary of the Sandy Hook massacre, she included a picture of a child from the latter event, along with pictures of Peshawar victims.²⁰ That collage was then printed out and cut up into the individual photographs displayed by mourners at a vigil for the Peshawar victims.²¹

¹⁸ <https://www.mediamatters.org/embed/clips/2016/11/29/51290/gcn-alexjones-20150113-shooting>

¹⁹ <https://www.snopes.com/fact-check/info-boors/>

²⁰ *Id.*

²¹ *Id.*

36. In the same month, January of 2015, InfoWars published an article titled: "MYSTERY: SANDY HOOK VICTIM DIES (AGAIN) IN PAKISTAN."²² The article states: "A large-scale attack on a school in Peshawar, Pakistan, last month left 132 school children and 10 teachers dead. Among the alleged victims emerged the familiar face of [deceased minor N.P.], one of the children supposedly killed in the December 2012 Sandy Hook school shooting in Newtown, Connecticut." InfoWars' story was meant to reinforce Mr. Jones' persistent lie that N.P. and the other victims of the shooting, such as Plaintiff's son J.L., are not real.

37. In July 2015, Mr. Jones stated on InfoWars: "But you've got green-screen with Anderson Cooper, where I was watching the video, and the flower and plants were blowing in some of them, and then they blow again the same way. It's looped. And then his nose disappears. I mean, it's fake. The whole thing is...I don't know what happened. It's kind of like if you see a hologram at Disney World in the Haunted House. You know? I don't know how they do it, but it's not real. When you take your kids to see the Haunted House and ghosts are flying around, it's not real, folks. It's staged. I mean, a magician grabs a rabbit out of his hat. I know he's got a box under the table that he reaches in and gets the rabbit. I don't know what the trick is here. I've got a good suspicion. But when you've got Wolfgang Halbig...He believed it was real. People called him. He went and investigated. No paperwork, no nothing. It's bull.

²² <https://www.infowars.com/mystery-sandy-hook-victim-dies-again-in-pakistan/>

And now an FBI retired agent, who retired, you know, with decorations. I mean, [InfoWars reporter Rob] Dew, this unprecedented.”²³

38. In the same month, InfoWars published an article titled: “MEGA MASSIVE COVER UP: RETIRED FBI AGENT INVESTIGATES SANDY HOOK.”²⁴

39. In January of 2016, Florida resident Lucy Richards left threatening voicemail messages and sent violent emails to Leonard Pozner, a fellow Sandy Hook parent and personal friend of Plaintiff Neil Heslin. The threats included messages stating: “you gonna die, death is coming to you real soon” and “LOOK BEHIND YOU IT IS DEATH.”²⁵ When Richards was later sentenced, Senior U.S. District Judge James Cohn stated: “I’m sure [Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.’s] heartbeat and hear [N.P.] say ‘I love you, Dad’ ...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts.”²⁶ As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including InfoWars.²⁷ Ms. Richard’s arrest and sentencing are an ominous reminder to the Plaintiff of the danger posed by InfoWars’ continuing lies about Sandy Hook.

²³ <https://www.mediamatters.org/embed/clips/2016/11/29/51284/gcn-alexjones-20150707-shooting>

²⁴ <https://www.infowars.com/mega-massive-cover-up-retired-fbi-agent-investigates-sandy-hook/>

²⁵ <https://www.nbcnews.com/news/us-news/conspiracy-theorist-arrested-death-threats-against-sandy-hook-parent-n693396>

²⁶ <http://www.nydailynews.com/news/crime/judge-hands-sandy-hook-truther-prison-sentence-article-1.3229754>

²⁷ <https://www.buzzfeed.com/claudiakoerner/a-conspiracy-theorist-will-serve-time-for-threatening-a>

40. In November 2016, Mr. Jones appeared on InfoWars and ranted about false Sandy Hook claims for twenty minutes.²⁸

41. During the November 2016 video broadcast, Mr. Jones stated: "That shows some kind of cover-up happening. And then I saw Anderson Cooper -- I've been in TV for twenty-something years, I know a blue-screen or a green-screen -- turn and his nose disappeared. Then I saw clearly that they were using footage on the green-screen looped, because it would show flowers and other things during other broadcasts that were moving, and then basically cutting to the same piece of footage...Then we see footage of one of the reported fathers of the victims, Robbie Parker, doing classic acting training."²⁹

42. During the November 2016 broadcast, Jones played video footage of Anderson Cooper interviewing Sandy Hook parent Veronique De La Rosa, at which point Jones stated: "We point out clear chromakey, also known as blue-screen or greenscreen being used, and we're demonized. We point out that they're clearly doing fake interviews."³⁰ This false statement was likewise used to support Mr. Jones' vicious lie.

43. Towards the end of the November 2016 broadcast, Mr. Jones stated: "Why should anybody fear an investigation? If they have nothing to hide? In fact, isn't that in Shakespeare's Hamlet? Methinks you protest too much...This particular case,

²⁸ <https://www.youtube.com/watch?v=MwudDfz1yAk>

²⁹ *Id.*

³⁰ *Id.*

they are so scared of investigation. Everything they do ends up blowing up in their face, so guys are going to get what you want now. I'm going to start re-investigating Sandy Hook and everything else that happened with it."³¹

44. Mr. Jones concluded the video by stating: "So, if children were lost at Sandy Hook, my heart goes out to each and every one of those parents. And the people who say they're parents that I see on the news. The only problem is, I've watched a lot of soap operas. And I've seen actors before. And I know when I'm watching a movie and when I'm watching something real."³²

45. The November 2016 video broadcast was entitled, "Alex Jones Final Statement on Sandy Hook." It was Plaintiff's hope that the title was accurate, and that Mr. Jones would finally end his reckless attacks on the Sandy Hook parents and his assertions that they were liars and actors engaged in a fraud on the American people.

46. As horrifying as the November 2016 broadcast was, its promise of being the "Final Statement" gave hope to Plaintiff that his harassment and defamation by Mr. Jones might be coming to an end after four long years.

47. Those hopes were soon dashed. Instead, InfoWars made continuing defamatory comments in 2017 as outlined above.

48. Mr. Jones also made additional comments in April of 2017 which repeated the claims which form the rickety structure of Mr. Jones' colossal lie about Sandy Hook, including the allegation that fellow Sandy Hook parent Veronique De La

³¹ *Id.*

³² *Id.*

Rosa conducted a fake interview with Anderson Cooper to hide the truth, while telling his viewers not to "believe any of it."³³

49. On June 18, 2017, Mr. Jones made additional comments when interviewed by Megyn Kelly, during which he stated: "I do think there's some cover-up and some manipulation."³⁴ The following exchange took place:

MEGYN KELLY: But Alex, the parents, one after the other, devastated. The dead bodies that the coroner autopsied ...

ALEX JONES: And they blocked all that. And they won't release any of it. That's unprecedented.³⁵

Jones and Kelly also had the following exchange:

JONES: But then what do you do, when they've got the kids going in circles, in and out of the building with their hands up? I've watched the footage. And it looks like a drill.

MEGYN KELLY: When you say, "parents faked their children's death," people get very angry.

ALEX JONES: Yeah, well, that's - oh, I know. But they don't get angry about the half million dead Iraqis from the sanctions. Or they don't get angry about all the illegals pouring in.³⁶

50. Shortly following the Megyn Kelly interview, on June 26, 2017, InfoWars reporter Owen Shroyer made the defamatory statements referenced above.

51. As such, the broadcasts made by InfoWars on June 26, 2017 and July 20, 2017 defaming Mr. Heslin did not occur in isolation. Rather, the statements were a

³³ <https://www.youtube.com/watch?v=rUn1jKhWTXI>

³⁴ https://www.realclearpolitics.com/video/2017/06/18/full_video_megyn_kelly_interviews_alex_jones.html

³⁵ *Id.*

³⁶ *Id.*

continuation and elaboration of a years-long campaign to falsely attack the Sandy Hook parents, casting them as participants in a ghastly conspiracy and cover-up.

52. By making defamatory accusations about Plaintiff in 2017, InfoWars breathed new life into this conspiracy and caused intense emotional anguish and despair. For that reason, Plaintiff brings this suit against Defendants.

CAUSES OF ACTION

I. Defamation and Defamation *Per Se*

53. All previous allegations are incorporated by reference.

54. Plaintiff is a private individual and is neither a public official nor a public figure.

55. The June 26, 2017 and July 20, 2017 broadcasts by Defendants were false, both in their particular facts and in the main point, essence, or gist in the context in which they were made.

56. In viewing the June 26, 2017 and July 20, 2017 broadcasts, a reasonable member of the public would be justified in inferring that the publications implicated the Plaintiff. Individuals who know the Plaintiff understood the publications to concern Plaintiff.

57. The June 26, 2017 and July 20, 2017 broadcasts were also defamatory because they are reasonably susceptible to a defamatory meaning by innuendo. A reasonable person, reviewing the statements in question, could conclude the Plaintiff was being accused of engaging in fraudulent or illegal activity. In context, the gist of

the statements could be construed as defamatory to the Plaintiff by an average member of general public. Individuals who know the Plaintiff understood the publications to implicate criminal conduct by Plaintiff.

58. Defendants' defamatory publications were designed to harm Plaintiff's reputation and subject the Plaintiff to public contempt, disgrace, ridicule, or attack.

59. Defendants acted with actual malice. Defendants' defamatory statements were knowingly false or made with reckless disregard for the truth or falsity of the statements at the time the statements were made.

60. Defendants' defamatory publications were not privileged.

61. Defendants' defamatory statements constitute defamation *per se*. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate the Plaintiff in heinous criminal conduct. False implications of criminal conduct are the classic example of defamation *per se*.

62. Defendants publicly disseminated the defamatory publications to an enormous audience causing significant damages to the Plaintiff.

63. Defendants' defamatory publications have injured Plaintiff's reputation and image, and they have exposed Plaintiff to public and private hatred, contempt, and ridicule.

64. In light of their prior experience with these kinds of reckless statements, Defendants knew that their publication could cause Plaintiff to suffer harassment and potential violence.

65. Defendants' defamatory publications have and will continue to cause harm to Plaintiff. Due to Defendants' conduct, the Plaintiff has suffered and continues to suffer substantial damages in an amount to be proven at trial.

DAMAGES

66. Defendants' actions have and will continue to cause harm to Plaintiff. Due to Defendants' conduct, Plaintiff has suffered and continue to suffer substantial damages in an amount to be proven at trial.

67. Plaintiff has suffered general and special damages, including a severe degree of mental stress and anguish which disrupted his daily routine and caused a high degree of psychological pain.

68. Plaintiff is also entitled to exemplary damages because the Defendants acted with gross negligence, ill-will, and malice.

69. Plaintiff is entitled to pre-judgment and post-judgment interest, costs of court, and attorney's fees.

70. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff is seeking an amount in relief which exceeds \$1,000,000.

JURY DEMAND

71. Plaintiff demands a jury trial and tendered the appropriate fee with his Original Petition.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff Neil Heslin asks that the Court issue citation for each Defendant to appear and answer, and that Plaintiff be awarded all the damages set forth above, and to grant whatever further relief to which Plaintiff is justly entitled.

Respectfully submitted,

KASTER LYNCH FARRAR & BALL, LLP



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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2019, the forgoing pleading was served upon all counsel of record via electronic service, as follows.

Via E-Service: mburnett@BurnettTurner.com

Michael Burnett
Burnett Turner
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730

A handwritten signature in black ink, appearing to read 'Mark D. Bankston', is written over a horizontal line.

MARK D. BANKSTON

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00650-CV

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer, Appellants

v.

Neil Heslin, Appellee

Filed in The District Court
of Travis County, Texas

AUG 30 2019

At 6:02 P.M.
Velva L. Price, District Clerk

**FROM THE 261ST DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-GN-18-001835, THE HONORABLE SCOTT H. JENKINS, JUDGE PRESIDING**

OPINION

Appellants Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer seek to appeal what they assert is a denial by operation of law of their motion to dismiss the claims asserted against them by Appellee Neil Heslin. Because we determine there is no order from which to appeal, we dismiss the appeal for want of jurisdiction.

BACKGROUND

Heslin's son was killed in the Sandy Hook Elementary School shooting in December 2012. Heslin sued Appellants for defamation and defamation per se related to Appellants' statements disputing Heslin's statement, "I lost my son. I buried my son. I held my son with a bullet hole through his head." On July 13, 2018, Appellants filed a motion to dismiss Heslin's claims under the Texas Citizens Participation Act (TCPA). In August 2018, Heslin

filed a “Motion for Sanctions for Intentional Destruction of Evidence” and a motion for expedited discovery. Heslin also responded to the motion to dismiss. On August 30, 2018, the district court held a hearing to consider the pending motions. At that hearing, the court determined that it would grant limited discovery relevant to the motion to dismiss. *See* Tex. Civ. Prac. & Rem. Code § 27.006(b). The following day, the court signed the order granting the motion for expedited discovery. That order states:

As authorized by Tex. Civ. Prac. & Rem. Code Sec. 27.004, the court will “extend the hearing date to allow discovery.” Oral hearing on Defendants’ Motion to Dismiss under the Texas Citizen’s Participation Act is recessed and extended until November 1, 2018, which is less than 120 days after the service of the motion under Tex. Civ. Prac. & Rem. Code Sec. 27.003.

Appellants’ responses to Heslin’s discovery were due on October 1, 2018, but Appellants did not respond. On October 2, Heslin filed a motion for contempt. That same day, Appellants, taking the position that their motion to dismiss had been overruled by operation of law, filed a notice of appeal. *See id.* § 27.008(a) (providing for denial by operation of law if a trial court does not rule within the time limits prescribed by the TCPA). Although the district court set an extended hearing on the motion to dismiss for November 1, 2018, that hearing could not proceed while this appeal was pending. *See id.* 51.014(b) (providing that an interlocutory appeal of a denial of a TCPA motion to dismiss “stays all other proceedings in the trial court pending resolution of that appeal”).

DISCUSSION

The parties present several arguments relating to the merits of Appellants’ motion to dismiss. However, the threshold question of whether Appellants’ motion to dismiss was

overruled by operation of law is dispositive of this interlocutory appeal. We therefore address only that issue. *See* Tex. R. App. P. 47.1 (requiring an “opinion that is as brief as practicable” that addresses issues “necessary to final disposition of the appeal”).

The TCPA generally provides that a motion to dismiss is overruled by operation of law if the trial court does not rule on the motion within 30 days following the date of the hearing on the motion, Tex. Civ. Prac. & Rem. Code §§ 27.005(a), .008(c), but the Act also allows the district court to “extend the hearing date to allow discovery,” so long as the hearing occurs no more than “120 days after the service of the [TCPA motion to dismiss],” *id.* § 27.004(c). Prior to section 27.004(c)’s enactment, the Dallas Court of Appeals considered a case in which the trial court began a hearing on a TCPA motion to dismiss and in the course of the hearing determined that the nonmovant was entitled to discovery. *Avila v. Larrea*, 394 S.W.3d 646, 652-53, 656 (Tex. App.—Dallas 2012, pet. denied). The Dallas court determined that the statute provided no mechanism for extending the 30-day limit to rule on the motion once the trial court commenced a hearing on the motion to dismiss, even if the trial court granted discovery. *Id.* However, “the Legislature amended the TCPA after the Dallas Court decided *Avila*, thereby allowing trial courts to grant continuances so that parties could conduct limited discovery on issues raised by motions to dismiss under the TCPA.” *Fairlawn Assets LLC v. Booker*, No. 09-19-00208-CV, 2019 Tex. App. LEXIS 6384, at *3 (Tex. App.—Beaumont July 25, 2019, no pet. h.) (mem. op.); *see* Act of May 24, 2013, 83d Leg., R.S., ch. 1042, § 1, sec. 27.004(c), 2013 Tex. Gen. Laws 2501, 2501 (current version at Tex. Civ. Prac. & Rem. Code Ann. § 27.004(c)). We conclude that section 27.004(c)’s language allowing the trial court to “extend the hearing date” permitted the district court in this case to recess the hearing for the purpose of allowing discovery and to resume that hearing at any point within 120 days from “the

service of the motion [to dismiss].” Tex. Civ. Prac. & Rem. Code Ann. § 27.004(c). Thus, the 30-day timeline for ruling on the motion would have been reset in accordance with the extended hearing date. *See In re Bandin*, 556 S.W.3d 891, 895 (Tex. App.—Houston [14th Dist.] 2018, orig. proceeding) (Busby, J., concurring) (noting, in a case where the trial court held a hearing on a motion to dismiss, then ordered discovery, that “the trial court could also choose to ‘extend the hearing date’ under section 27.004(c) to allow completion of the ordered discovery and then hold a new hearing with the benefit of that discovery”). As a result, the motion to dismiss was not overruled by operation of law, but instead remained pending in the district court when Appellants filed the notice of appeal, which stayed the district court’s proceedings. *See* Tex. Civ. Prac. & Rem. Code § 51.014(b). Because the motion remained pending in the district court, there is no order that could support an interlocutory appeal, and we must dismiss this appeal. *See id.* § 51.014(a)(12) (allowing interlocutory appeal from a denial of a motion to dismiss under the TCPA).

CONCLUSION

We agree with Heslin that the district court has not yet ruled on Appellants’ motion to dismiss, nor has the motion been overruled by operation of law. Accordingly, we dismiss the appeal for lack of jurisdiction.

Gisela D. Triana, Justice

Before Chief Justice Rose, Justices Triana and Kelly

Dismissed for Want of Jurisdiction

Filed: August 30, 2019

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

JUDGMENT RENDERED AUGUST 30, 2019

NO. 03-18-00650-CV

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer, Appellants

v.

Neil Heslin, Appellee

**APPEAL FROM 261ST DISTRICT COURT OF TRAVIS COUNTY
BEFORE CHIEF JUSTICE ROSE, JUSTICES TRIANA AND KELLY
DISMISSED FOR WANT OF JURISDICTION -- OPINION BY JUSTICE TRIANA**

Having reviewed the record, it appears that the Court lacks jurisdiction over this appeal. Therefore, the Court dismisses the appeal for want of jurisdiction. Appellant shall pay all costs relating to this appeal, both in this Court and in the court below.

**COURT OF APPEALS
FOR THE
THIRD DISTRICT OF TEXAS**
P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
(512) 463-1733

Date: August 30, 2019

Appeal No.: 03-18-00650-CV
Trial Court No.: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Please be advised that Appellants' Motion to Supplement Initial Brief was dismissed as moot on the date noted above. Also, the enclosed opinion and judgment were sent this date to the following persons:

The Honorable Velva L. Price
Civil District Clerk
Travis County Courthouse
P. O. Box 1748
Austin, TX 78767
* DELIVERED VIA E-MAIL *

The Honorable Scott H. Jenkins
Judge, 53rd District Court
P. O. Box 1748
Austin, TX 78767
* DELIVERED VIA E-MAIL *

Mr. Michael Burnett
Burnett Turner
6034 West Courtyard Drive, Suite 140
Austin, TX 78730
* DELIVERED VIA E-MAIL *

Mr. Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
* DELIVERED VIA E-MAIL *

The Honorable Billy Ray Stubblefield
Administrative Judge
Williamson County Courthouse
405 Martin Luther King, Box 2
Georgetown, TX 78626
* DELIVERED VIA E-MAIL *

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN	§	IN DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	53 rd DISTRICT COURT
OWEN SHROYER,	§	
<i>Defendants</i>	§	

**PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANTS' MOTION TO
DISMISS UNDER THE TEXAS CITIZENS PARTICIPATION ACT**

Comes now, Plaintiff Neil Heslin, and files this Supplemental Response to InfoWars' TCPA Motion to provide further evidence of actual malice revealed in a similar IIED lawsuit, *Lewis v. Jones*. This response includes evidence relating to InfoWars Chief Reporter Paul Watson, testimony from Alex Jones, and testimony from InfoWars producer Robert Jacobson. Finally, this response includes a declaration from Plaintiff's counsel regarding fees incurred in the TCPA process.

I. Paul Watson's Warnings Demonstrate Actual Malice.

Paul Watson has served as InfoWars' Chief Reporter since 2014.¹ From the beginning, Mr. Watson had expressed strong reservations about InfoWars' reckless treatment of Sandy Hook information. Mr. Jones testified Mr. Watson frequently warned him about InfoWars' coverage of Sandy Hook:

¹ Exhibit 1, Deposition of Alex Jones in *Lewis*, at 72:17.

Q. And he frequently warned you about what you were saying about Sandy Hook?

A. Well, I mean, we had discussions about it, yes. We're not running a cult. We have different views.²

Mr. Jones testified Paul Watson “was saying that some of the people that were out there putting stuff out, like Fetzer and others in that, were not good.”³ This is quite an understatement. On December 17, 2015, Paul Watson wrote to two of his co-workers to let them know he had sent Alex Jones the following message:

This Sandy Hook stuff is killing us. It's promoted by the most batshit crazy people like Rense and Fetzer who all hate us anyway. Plus it makes us look really bad to align with people who harass the parents of dead kids. It's gonna hurt us with Drudge and bringing bigger names into the show. Plus the event happened 3 years ago, why even risk our reputation for it?⁴

Despite Mr. Watson's warning in 2015 that the conspiracy theorists InfoWars was relying on were “batshit crazy,” Mr. Jones continued to spread their absurd claims until he was sued in 2018. It is a rare and outrageous case where a media outlet's Chief Reporter acknowledges their source is mentally disturbed.⁵

II. Alex Jones' *Lewis* Deposition Demonstrates Actual Malice.

Mr. Jones' deposition testimony in the *Lewis* case was a three-hour admission of actual malice. During his deposition, Mr. Jones candidly admitted he performed no

² *Id.* at 71:2 to 71:6.

³ *Id.* at 77:19-21.

⁴ Exhibit 2, December 17, 2015 email - FSSTX-027752

⁵ Plaintiff also asks the Court to take judicial notice of its file in the *Pozner v. Jones* matter, in which Mr. Fetzer filed a disturbingly unhinged “Motion to Appear as Friend of the Court” and “Argument of Amicus Curiae” on August 23, 2018.

corroboration of the conspiracy claims being given to InfoWars by self-styled investigators Jim Fetzer and Wolfgang Halbig. Mr. Jones claimed he relied on "other people that were investigating."⁶ Mr. Jones admitted, "We did not ourselves investigate Sandy Hook."⁷ These actions show actual malice because InfoWars "failed to meaningfully seek corroboration ... from any other sources." *Warner Bros. Entm't, Inc.*, 538 S.W.3d at 808. In one exchange concerning Mr. Halbig, Mr. Jones testified about his reliance on this dubious source:

Q. You didn't know one way or the other, right, whether the school was open? You had some doubts. You didn't know one way or another; you couldn't confirm it one way or another?

A. I know that some investigators who were accredited school safety folks who thought were credible experts were the ones -- professors and others that were in good standing -- were the ones that were really doing these investigations; and that I was in some cases taking what they said incorrectly. And I've admitted to that.

Q. And with no corroboration? You just take what they said, and you trusted these guys, right?

A. I mean, I'd seen one of the guys, like, on national television before on the Columbine stuff as a national safety expert; and he sounded pretty credible.

Q. Mr. Halbig, right?

A. Yes.

⁶ Exhibit 1, Deposition of Alex Jones in *Lewis*, at 58:25.

⁷ *Id.* at 58:25-59:1.

Q. And he had sent you something in the neighborhood of 4,000 e-mails?

A. It's a lot, yeah.

Q. And looking at those e-mails, taking a look at them, you wouldn't agree with me that that man is a raving lunatic?

A. He seemed very credible and put together earlier on, but -- I can't remember the exact number -- he seemed to get agitated about four years ago, three years ago.⁸

Though Mr. Jones became aware Mr. Halbig was “agitated” in 2015 or 2016, InfoWars was still repeating his claims when Mr. Heslin was defamed in 2017. When discussing one of those false claims -- the “Port-a-Potty” allegation -- Mr. Jones claimed “I was going off what Halbig was saying.”⁹ Mr. Jones then admitted InfoWars did not perform any confirmation, even though the dashcam video necessary to fact-check the claim was publicly available and had been discussed on the show:

Q. You did no confirmation whatsoever of Mr. Halbig's statements about the Port-A-Potties, did you?

A. I don't believe these videos were released for a long time.

Q. If they were, if those videos were released in 2013, it certainly would have been reckless to say the Port-A-Potties arrived in an hour in 2017, wouldn't it, Mr. Jones?

A. I just don't know how to respond to the fact that -- that how do we know more weren't arriving later

⁸ *Id.* at 42:17 to 43:19.

⁹ *Id.* at 62:2.

and that there's other Port-A-Potties or whatever?
I'm not saying that's what happened. You just
showed me one still off something and tell me to
answer questions.

Q. Yeah. So one thing you could do is go back into the
dashcam video and scroll through and find out if
something did arrive earlier? That's something you
could do, right? It's not hidden information, right?
Correct?

A. I guess correct.¹⁰

Similarly, when discussing his claim that paramedics were not allowed inside
of Sandy Hook, Mr. Jones confirmed that he merely repeated dubious information
with no fact checking:

Q. You've said repeatedly on your web show
paramedics weren't allowed inside of Sandy Hook?
You've said that; you're not going to deny that?

A. I've read other people's reports saying.

Q. Okay. And you did nothing to confirm those reports,
literally nothing?

A. I went out and I covered news that was being
covered.¹¹

Mr. Jones also admitted InfoWars had been provided information from various
people who had been debunking the claims made on Mr. Jones' show. In particular,
InfoWars News Director Rob Dew had been receiving information with the correct
facts regarding Mr. Jones' claims:

¹⁰ *Id.* at 62:3-63:3.

¹¹ *Id.* at 54:2 to 54:16.

Q. Mr. Dew, in addition to those debates, has been provided written information from a lot of these debunking people seeking to stop the allegation that it's a hoax. You would agree with that?

A. Yes. There was a big Internet fight going on, and we were showing both sides.¹²

In truth, Mr. Jones had not been “showing both sides.” Instead, InfoWars videos uncritically repeated the absurd claims of Jim Fetzer and Wolfgang Halbig, just as they did in the 2017 video defaming Mr. Heslin. Mr. Jones admitted that he accepted Fetzer and Halbig’s conspiracy claims at face value because he had a form of psychosis:

And I, myself, have almost had like a form of psychosis back in the past where I basically thought everything was staged, even though I'm now learning a lot of times things aren't staged.¹³

Mr. Jones said, “I would kind of get into that mass group-think of the communities that were out there saying that.”¹⁴ This mass group-think caused InfoWars to act recklessly when covering Sandy Hook, publishing the most absurd and easily debunked allegations. During his deposition, Mr. Jones was repeatedly confronted with video clips of the bizarre claims made on his show, and he was completely unable to provide a coherent explanation as to how those allegations ever made it to air. In sum, Mr. Jones admitted InfoWars published inherently improbable and dubious claims about Sandy Hook with no corroboration.

¹² *Id.* at 146:14 to 146:19.

¹³ *Id.* at 184:9-12.

¹⁴ *Id.* at 185:10 to 185:12.

III. The Deposition of Robert Jacobson Demonstrates Actual Malice.

Robert Jacobson worked at InfoWars producing content for thirteen years, from 2004 to 2017.¹⁵ Mr. Jacobson contacted Plaintiff's counsel because he "was concerned" and "felt terrible about what happened," and he "[felt he had] to right a wrong that [he] was involved in."¹⁶ Mr. Jacobson was deposed in the *Lewis* case, and he testified about his interactions with InfoWars writers on the subject of Sandy Hook. Mr. Jacobson testified he was bothered by the flagrant violations of ethics:

Q. What did you hear that bothered you?

A. I heard them making accusations based on extremely narrow cross-sections of information, that I did my best to make the writers and the staff aware that what they were doing was speculation based on not enough information. It bothered me. That bothered me that I felt they had no concept of journalist ethics.

Q. Did you tell anyone at InfoWars your feelings about the Sandy Hook coverage?

A. I attempted to make it as clear as possible to the writers that there is something called journalist ethics and how what they were doing was in a direct violation of that anytime I caught wind of the Sandy Hook story on InfoWars.¹⁷

Mr. Jacobson testified about his repeated visits to the writers room in which he explained the ethical problem and the consequences of those actions:

I would make it my business to go in to the writers and explain to them as clearly as possible that there is

¹⁵ Exhibit 3, Deposition of Robert Jacobson, at 22:4-16.

¹⁶ *Id.* at 32:16-22.

¹⁷ *Id.* at 33:13-34:1.

journalist ethics; and I tried to demonstrate what those ethics are and why they are violating them and what the damage could possibly be. In fact, I remember -- I must have been in that room four to five times, at least, and only to be received with laughter and jokes.¹⁸

Mr. Jacobson testified that InfoWars News Director Rob Dew was acting recklessly, stating that “Mr. Dew was overzealous to receive any type of hint that perhaps this might have been a phony act, a staged act. Any type of whisper that came through to him, he would celebrate.”¹⁹ Whenever he raised the issue, Mr. Jacobson testified that the writers “mocked [his] concerns about Sandy Hook coverage.”²⁰

Mr. Jacobson also testified about InfoWars writer Adan Salazar. Mr. Jacobson attempted to explain to Mr. Salazar the problems with relying on Wolfgang Halbig, but Mr. Jacobson was met with derision:

What I’ve pointed out to Adan specifically is that you’re taking the word of one witness primarily and a couple of speculative other facts and calling it the truth without actually going down and investigating it ourselves or actually going with our own reporters and corroborating what these people are saying. I made it aware to Adan that Wolfgang Halbig could have a lot of issues that we’re not considering, that by taking the word of this one man so heavily with such a great accusation that he’s accusing people of is so irresponsible, so damaging. I asked him to consider the size of the audience. And Adan Salazar responded with – and I’m going to quote him because he said it to me many times – “I want to print up a T-shirt that says, ‘Halbig was right.’ I want bumper stickers that say, ‘Halbig was right,’” to a laughing room.²¹

¹⁸ *Id.* at 34:6-12.

¹⁹ *Id.* at 36:13-16.

²⁰ *Id.* at 38:5.

²¹ *Id.* at 37:9-25.

Adan Salazar showed a willingness to publish any Sandy Hook allegation, no matter how absurd. For example, Mr. Salazar wrote to the author of the horror movie blog "A Slash Above" because in the months before the Newtown shooting, the blog author had written a review of the 2000 horror movie "Sandy Hook Lingerie Party Massacre." Mr. Salazar sought comment on a rumor that "your review of 'Sandy Hook Lingerie Party Massacre' on your site aslashabove.com shows foreknowledge or prior planning of the events that have taken place as of late."²² Mr. Salazar stated, "we thought this was surely ridiculous, however, we're (Infowars.com) going to point it out in an article anyway."²³ The author of the blog replied, "You are seriously ill to send me something like that – Don't contact me anymore or I will report you for harassment you bunch of weirdos."²⁴

Mr. Jacobson also testified about InfoWars' allegation that there exist photographs of Sandy Hook children who are actually still alive:

Q. Have you ever heard the allegation that there are photographs of children who are supposedly dead who are actually alive?

A. Yes, I've heard that allegation.

Q. From what you have seen inside of InfoWars, have you seen anything that has caused you to form an opinion about that allegation?

A. I mean, you know, my opinion is it's so distasteful -- and it happened a while ago, that -- you know, it happened a while ago. So it was just all these things

²² Exhibit 4, December 21 email by Adan Salazar, FSSTX-077825.

²³ *Id.*

²⁴ *Id.*

seem to -- all of the little allegations that Halbig and all these other people set forward, I sort of see it as individual cross-sections of information that each one was improperly handled.²⁵

Mr. Jacobson testified that he was shocked at the lack of fact-checking considering the serious nature of the allegations being made:

The weight of the accusation in this particular case, it was shocking that they didn't do more research. They didn't go further into it. They didn't -- I mean, what I constantly tried to clarify is a story of this level should not be brought forward unless they are -- I tried to make it clear that they need as much evidence in this story as if they were going to court to prove their case; and if they didn't have that, they didn't have a story.²⁶

When Mr. Jacobson was asked to assess the level of outrageousness he saw, he described the InfoWars staff laughing about the pain they were causing to the Sandy Hook parents:

Q. Can you describe to me on a scale of one, being not outrageous at all, and ten, being extremely outrageous, on that one-to-ten scale, what is the level of outrageousness of this conduct that you were trying to impart?

A. It was a ten.

Q. Tell me why you thought that.

A. I mean, it's one thing to make a mistake. It's another thing to have somebody come in -- and I don't even -- I'm not aware if I was the only person or not, but I know I was doing it -- to come in and say, "Hey, this is wrong. You're making a mistake." It's one thing,

²⁵ *Id.* at 42:8-22.

²⁶ *Id.* at 52:9-17.

you know, to actually have a mistake and something else to have it pointed out to you, not just once but over and over and over again, and to not only hear the damage that you're doing to people outside of your zone but to actually laugh about it, I thought that's a ten.²⁷

The InfoWars writers ignored the warnings of Robert Jacobson, just as Mr. Jones had ignored the warnings of Paul Watson. This testimony provides clear and specific *prima facie* evidence that InfoWars acted with actual malice in its Sandy Hook allegations.

CONCLUSION

Based on Plaintiff's August 27, 2018 response and based on this supplemental response, Plaintiff asks the Court to deny InfoWars' TCPA motion and to award all costs in connection with the TCPA process. Alternatively, Plaintiff asks the Court to grant his Motion for Contempt, strike the TCPA motion, and likewise award costs. Plaintiff has attached as "Exhibit 5" a declaration of fees incurred as a result of the TCPA motion.²⁸

Respectfully submitted,

KAster LYNCH FARRAR & BALL, LLP



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State Bar No. 24071066
KYLE W. FARRAR
State Bar No. 24034828

²⁷ *Id.* at 65:24-66:19.

²⁸ Exhibit 5, Declaration of Mark Bankston.

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2019 the forgoing pleading was served upon all counsel of record via electronic service, as follows:

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Austin, Texas 78730
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MARK D. BANKSTON

CAUSE NO. D-1-GN-18-006623

SCARLETT LEWIS	*	IN THE DISTRICT COURT OF
Plaintiff	*	
	*	
	*	
VS.	*	TRAVIS COUNTY, TEXAS
	*	
ALEX E. JONES, INFOWARS,	*	
LLC, AND FREE SPEECH	*	
SYSTEMS, LLC,	*	
Defendants	*	53RD JUDICIAL DISTRICT

ORAL/VIDEOTAPED DEPOSITION

OF

ALEX E. JONES

Thursday, March 14, 2019

ORAL/VIDEOTAPED DEPOSITION OF ALEX E. JONES,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
numbered cause on Thursday, March 14, 2019, from
12:02 p.m. to 4:33 p.m., before Debbie D. Cunningham,
CSR, reported via Machine Shorthand at the offices of
Waller Lansden Dortch & Davis, LLP, 100 Congress Avenue,
Suite 1800, Austin, Texas, pursuant to the Texas Rules
of Civil Procedure and/or any provisions stated on the
record or attached hereto.

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4	COUNSEL FOR PLAINTIFF:	3	Exhibit Number Description Page
5	KASTER LYNCH FARRAR & BALL, LLP	3	Exhibit 1 7/27/18 First Supplemental 8
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7	Houston, Texas	4	
8	(T) 713.221.8300	5	Exhibit 2 Trooper Jeremy Combes State of 47
9	By: Mark D. Bankston, Esq.	5	Connecticut Department of Public
10	mark@fbtrial.com		Safety Investigation Report
11	AND	6	
12	William Ogden, Esq.	6	Exhibit 3 Sgt. William F. Cario State of 51
13		7	Connecticut Department of Public
14	COUNSEL FOR DEFENDANTS:		Safety Investigation Report
15	GLAST, PHILLIPS & MURRAY, P.C.	8	
16	14801 Quorum Drive, Suite 500	8	Exhibit 4 Photograph date and time stamped 60
17	Dallas, Texas	9	12-14-12 13:28:11
18	(T) 972.419.8300	10	Exhibit 5 Photograph of man wearing 83
19	By: Mark Enoch, Esq.		INFOWARS.COM T-shirt, with
20	mkenoch@gpm-law.com	11	background caption of:
21			TRUTHRADIOSHOW.COM Declaring War
22	AND	12	on the -New World Order-
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	By: Robert E. Barnes, Esq.	16	Arabia, CNN Live, with a
	barneslaw@barneslawlp	17	background caption of InfoWars
		18	Nightly News with Alex Jones and
			a caption under the photo of
		19	INFOWARS.com
		20	Exhibit 9 Photograph of two men dressed in 127
			military type desert camouflage
		21	clothing standing in front of a
			white building with palm trees
		22	Exhibit 10 Photograph of a man in a green 127
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		23	palm trees, with the caption of
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<p>6</p> <p>1 (Thursday, March 14, 2019, 12:02 p.m.)</p> <p>2 P R O C E E D I N G S</p> <p>3 THE VIDEOGRAPHER: We're on the record for</p> <p>4 the videotaped deposition of Alex Jones, taken on</p> <p>5 Thursday, March 14, 2019. The time is approximately</p> <p>6 12:02 p.m.</p> <p>7 Will the court reporter please swear in</p> <p>8 the witness.</p> <p>9 ALEX E. JONES,</p> <p>10 having taken an oath to tell the truth, the whole truth,</p> <p>11 and nothing but the truth, was examined and testified as</p> <p>12 follows:</p> <p>13 EXAMINATION</p> <p>14 BY MR. BANKSTON:</p> <p>15 Q. Mr. Jones --</p> <p>16 MR. BARNES: When do you want me to go on</p> <p>17 the record?</p> <p>18 MR. BANKSTON: Oh, yeah, let's do that</p> <p>19 now, actually, Mr. Barnes. Why don't you do that for</p> <p>20 me?</p> <p>21 MR. BARNES: Thank you.</p> <p>22 This is Robert Barnes. I'm General</p> <p>23 Counsel for InfoWars and Mr. Jones and in this context</p> <p>24 Free Speech Systems, LLC, here representing him. I have</p> <p>25 a motion for pro hac pending; and the agreement is I can</p>	<p>8</p> <p>1 (Exhibit 1 marked.)</p> <p>2 Q. (BY MR. BANKSTON) I'm going to be showing you</p> <p>3 what I'm now marking as Exhibit 1. It's a double-sided</p> <p>4 document. Mr. Jones, that is a July 27th, 2018</p> <p>5 Affidavit which you executed, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. I want to go through this affidavit with you</p> <p>8 and the highlighted part sentence by sentence. Do you</p> <p>9 see the pale orange part which I'm now going to read to</p> <p>10 you? "Plaintiffs claim that I started the controversy</p> <p>11 and/or conspiracy about Sandy Hook being a hoax. This</p> <p>12 is not true." I read that correctly?</p> <p>13 A. I need to read the full page.</p> <p>14 Q. Please take a moment to read it.</p> <p>15 A. (Witness silently reading document.)</p> <p>16 It's just the orange part you want me to</p> <p>17 read?</p> <p>18 Q. I actually just read it to you and wanted to</p> <p>19 know if I had read it correctly. Allow me to read it</p> <p>20 for you again, Mr. Jones. "Plaintiffs claim that I</p> <p>21 started the controversy and/or conspiracy theory about</p> <p>22 Sandy Hook being a hoax. This is not true." I read</p> <p>23 that correctly?</p> <p>24 A. Yes, uh-huh.</p> <p>25 Q. Okay. The next sentence says, "Before I ever</p>
<p>7</p> <p>1 represent the Defendant, Mr. Jones, here with the</p> <p>2 acknowledgment that I am bound by the Texas Rules of</p> <p>3 Civil Procedure, the Texas Ethical and Professional</p> <p>4 Rules, and the Texas Sanctions Rules and will be bound</p> <p>5 by them accordingly.</p> <p>6 MR. BANKSTON: Thank you, Mr. Barnes.</p> <p>7 MR. BARNES: Oh, you do want the mic on?</p> <p>8 No problem.</p> <p>9 EXAMINATION</p> <p>10 BY MR. BANKSTON:</p> <p>11 Q. Mr. Jones?</p> <p>12 A. (No audible response.)</p> <p>13 Q. Mr. Jones?</p> <p>14 A. Uh-huh.</p> <p>15 Q. I want to go back to when this all started.</p> <p>16 And in fairness to you, one of the things that you've</p> <p>17 tried to make clear is that you're not the one who</p> <p>18 started the theory that Sandy Hook was a false flag,</p> <p>19 correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And that's something that was borne out by</p> <p>22 InfoWars archives and that you've been able to rely on</p> <p>23 in court, correct?</p> <p>24 A. I don't exactly understand what you're saying.</p> <p>25 Q. Okay. Let me help you with that.</p>	<p>9</p> <p>1 publicly commented on any issues relating to Sandy Hook,</p> <p>2 I learned that others with whom I have no affiliation or</p> <p>3 relationship had already posted articles" -- excuse me,</p> <p>4 Mr. Jones, if you would like to flip the page --</p> <p>5 "relationship had already posted articles online making</p> <p>6 this claim and questioning the events as reported." I</p> <p>7 read that sentence correctly?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So there were a variety of articles and</p> <p>10 YouTube videos questioning the events that started</p> <p>11 getting popular in the time period after the shooting.</p> <p>12 I assume you saw some of those?</p> <p>13 A. Yes, sir.</p> <p>14 Q. How long is this are we talking? Are we</p> <p>15 talking days, weeks, months?</p> <p>16 A. I don't know. I don't want to answer</p> <p>17 incorrectly. I don't remember the exact times. So I</p> <p>18 really can't state that time, but I think a month or</p> <p>19 longer.</p> <p>20 Q. Sure. Okay. I remember there was -- about a</p> <p>21 month after the shooting, there was a relatively popular</p> <p>22 YouTube video that went viral. Do you recall this</p> <p>23 video?</p> <p>24 A. There were a lot of -- 2 million, 10 million.</p> <p>25 It was a bunch of videos. It was a firestorm of -- on</p>

<p style="text-align: right;">10</p> <p>1 the Internet about it.</p> <p>2 Q. Okay. And it was then, when you saw that,</p> <p>3 that you started covering it and started commenting on</p> <p>4 Sandy Hook?</p> <p>5 MR. BARNES: Objection as to define Sandy</p> <p>6 Hook. Object as to form.</p> <p>7 Q. (BY MR. BANKSTON) You can go ahead and</p> <p>8 answer, Mr. Jones.</p> <p>9 A. No, I started commenting on Sandy Hook that</p> <p>10 they would use it to go after our guns and that the</p> <p>11 media always hyped up school shootings and was causing</p> <p>12 copycat events, that the mainstream media were basically</p> <p>13 psychic vampires promoting mass shootings so they could</p> <p>14 blame gun owners and try to take the Second Amendment</p> <p>15 away, which they pushed to repeal the Second Amendment.</p> <p>16 So for the first month or so -- and,</p> <p>17 again, this was almost seven years ago -- but we've gone</p> <p>18 back and looked at some of it in trying to find -- at</p> <p>19 least three weeks, four weeks or so. And then it was</p> <p>20 such a firestorm on the Internet, it's like, no, this</p> <p>21 isn't Prozac; this isn't video games, like I was saying,</p> <p>22 I thought, like other shootings that happened. This</p> <p>23 was, you know, some type of staged event or multiple</p> <p>24 shooters or people in the woods, things like that. It</p> <p>25 was a whole range of theories in a big Internet debate</p>	<p style="text-align: right;">12</p> <p>1 President Trump questioned right after he got elected</p> <p>2 and was first in office whether the attacks on the</p> <p>3 Jewish cemeteries were being staged, and it turned out</p> <p>4 they were.</p> <p>5 So, I mean, again, going from memory, I</p> <p>6 remember looking at it as your standard horrible tragedy</p> <p>7 of psychotropic drugs, a kid in a cult, you know, type</p> <p>8 stuff, like Columbine, shoot-'em-up video games. I</p> <p>9 remember that's where I was going because that's where</p> <p>10 all the other shootings basically came from.</p> <p>11 Q. Sure.</p> <p>12 A. And so I can't specifically -- I mean, I'm</p> <p>13 going from the best of my memory.</p> <p>14 Q. Okay. Well, Mr. Jones, I want to show you</p> <p>15 some video clips of some things you were saying as the</p> <p>16 news broke of Sandy Hook and in a video that day that</p> <p>17 you titled Connecticut School Massacre Looks Like False</p> <p>18 Flag, Says Witnesses.</p> <p>19 MR. BANKSTON: Can you play the clip Day</p> <p>20 of Sandy Hook?</p> <p>21 (Video playing.)</p> <p>22 Q (BY MR. BANKSTON) Mr. Jones, this is a video</p> <p>23 where you made comments on issues relating to Sandy Hook</p> <p>24 and you put forward a theory that it could be staged by</p> <p>25 the Government to take away our guns, correct?</p>
<p style="text-align: right;">11</p> <p>1 going on that I then reported on and gave analysis to my</p> <p>2 opinions.</p> <p>3 Q. Correct. Okay.</p> <p>4 A. And I think that's what was weeks after. I</p> <p>5 can't remember the exact number. I immediately when it</p> <p>6 happened, you know, said, "Oh, look another person in a</p> <p>7 black trench coat, you know, a loner on psychotropics</p> <p>8 that came out, shoot-'em-up video games." And I</p> <p>9 remember being criticized by the video game industry</p> <p>10 saying, "Don't you blame video games."</p> <p>11 Q. What I'm curious about, Mr. Jones, can you</p> <p>12 flip the page back over again and look at the beginning</p> <p>13 of the yellow sentence? So when you say, "Before I ever</p> <p>14 publicly commented on any issues relating to Sandy</p> <p>15 Hook," you saw other stuff going on, right, you mean</p> <p>16 whether it was staged or not? In other words, you made</p> <p>17 some comments about Sandy Hook when it first happened;</p> <p>18 but in terms about it being a false flag or staged or</p> <p>19 some sort of hoaxed event, right, that came later?</p> <p>20 You're not the one who started that?</p> <p>21 MR. BARNES: Objection as to form.</p> <p>22 A. I know that I didn't start it. And I think</p> <p>23 it's a boilerplate. Anytime there's a big public event,</p> <p>24 like Jussie Smollett or babies in incubators in Iraq, a</p> <p>25 lot of people question, you know, whether it's real.</p>	<p style="text-align: right;">13</p> <p>1 MR. BARNES: Objection. It seems like</p> <p>2 this is a video, from watching it, that's different</p> <p>3 pieces put together.</p> <p>4 MR. BANKSTON: Correct.</p> <p>5 MR. BARNES: Okay. So it's not from --</p> <p>6 so different things are out of context. Is there any</p> <p>7 way to get, like, the whole --</p> <p>8 MR. BANKSTON: You own the whole video,</p> <p>9 and it's been produced with Mr. Zipp's affidavit.</p> <p>10 MR. BARNES: But for his purposes --</p> <p>11 MR. BANKSTON: If he wants to go watch an</p> <p>12 entire four-hour video, I'm not going to have time --</p> <p>13 MR. ENOCH: Mark, it has not been</p> <p>14 produced with Zipp's --</p> <p>15 MR. BANKSTON: Actually, Connecticut</p> <p>16 False Claim full video has been produced; and it's been</p> <p>17 in a court. If you want to argue about that and object,</p> <p>18 you can object at that time when it's offered. That</p> <p>19 objection's preserved. You don't have to object to form</p> <p>20 on that one.</p> <p>21 Q. (BY MR. BANKSTON) Mr. Jones, that was a video</p> <p>22 in which you made statements about Sandy Hook in which</p> <p>23 you said -- put forth the theory it could be staged to</p> <p>24 take away our guns?</p> <p>25 A. That's a Media Matters edited -- that's Media</p>

<p style="text-align: right;">14</p> <p>1 Matters edited derivative.</p> <p>2 Q. Is that you on that tape?</p> <p>3 A. It's edited.</p> <p>4 Q. And that's you talking about: Don't think</p> <p>5 this couldn't be staged. Our Government kills little</p> <p>6 kids all the time. That's you saying those words?</p> <p>7 A. With SMART moms and things, yeah. It's edited</p> <p>8 out of context.</p> <p>9 Q. The truth is, Mr. Jones, you were the first</p> <p>10 person in the world to make the false flag theory about</p> <p>11 Sandy Hook and you did it before the bodies were even</p> <p>12 cold; that's the truth?</p> <p>13 MR. BARNES: Objection as to form and to</p> <p>14 the defin- -- are we going to have, like, set</p> <p>15 definitions of the words, like --</p> <p>16 MR. BANKSTON: No, you can object to</p> <p>17 form. Yeah, that's Rule 199. Just object to form.</p> <p>18 MR. BARNES: That's fine.</p> <p>19 Q. (BY MR. BANKSTON) Mr. Jones, you said in your</p> <p>20 affidavit that before you commented on any issues</p> <p>21 relating to Sandy Hook, you saw other things that other</p> <p>22 people were doing. That affidavit has false statements,</p> <p>23 doesn't it?</p> <p>24 A. No.</p> <p>25 Q. So we didn't just see you commenting on issues</p>	<p style="text-align: right;">16</p> <p>1 A. I saw a Media Matters video of that before.</p> <p>2 You're saying you edited that?</p> <p>3 Q. It's not an important deal.</p> <p>4 A. But you did edit it?</p> <p>5 Q. I did, yes. I'm not here to answer questions.</p> <p>6 A. Three-second clips together.</p> <p>7 Q. Those clips were edited together by me two</p> <p>8 weeks ago.</p> <p>9 A. Why didn't you just play them unedited?</p> <p>10 Q. That's -- Mr. Jones, I'm not here to answer</p> <p>11 your questions. You understand you're here because</p> <p>12 people have sued you and you have four hours in which</p> <p>13 they're to ask you questions. Are you going to do that</p> <p>14 for me today?</p> <p>15 A. Yes, I'm answering your questions.</p> <p>16 Q. So in that video, "yes" or "no," you were</p> <p>17 commenting about Sandy Hook?</p> <p>18 A. In the edited video I was commenting on Sandy</p> <p>19 Hook.</p> <p>20 Q. You'll agree over the years you've seen</p> <p>21 various anomalies relating to Sandy Hook?</p> <p>22 A. I've seen reported anomalies.</p> <p>23 Q. A lot of those anomalies are in videos, things</p> <p>24 like the helicopter video of people being detained in</p> <p>25 the woods. Do you know what I'm talking about?</p>
<p style="text-align: right;">15</p> <p>1 relating to Sandy Hook?</p> <p>2 A. That was callers calling up.</p> <p>3 Q. You're going to tell me you watched that video</p> <p>4 and you weren't commenting on Sandy Hook?</p> <p>5 A. I told you five minutes ago before you played</p> <p>6 it that as a boilerplate of any big public event,</p> <p>7 whether it's Jussie Smollett or whether it's babies</p> <p>8 having their brains bashed out in incubators or WMDs,</p> <p>9 that I upfront questioned it because of things from</p> <p>10 Operation Northwoods and hundreds of declassified real</p> <p>11 staged events where our Government admits that it staged</p> <p>12 events. Now, I always boilerplate say that we need to</p> <p>13 investigate the news reportage of this and see what's</p> <p>14 true. There's such a long history of governments and</p> <p>15 corporations and legal groups engaging in fraud. And I</p> <p>16 said that before you played the clip.</p> <p>17 MR. BANKSTON: Objection, nonresponsive.</p> <p>18 Q. (BY MR. BANKSTON) Mr. Jones, I have a very</p> <p>19 simple question for you: That video you just saw of you</p> <p>20 talking, were you talking about Sandy Hook?</p> <p>21 A. The edited pieces were.</p> <p>22 Q. The pieces that I edited and put together of</p> <p>23 you speaking, I edited them. When I edited those pieces</p> <p>24 together and put them in front of you, was that you on</p> <p>25 the camera?</p>	<p style="text-align: right;">17</p> <p>1 A. Yes.</p> <p>2 Q. Okay. There's the Anderson Cooper interview</p> <p>3 with Ms. De La Rosa. Do you know what I'm talking about</p> <p>4 there?</p> <p>5 A. I know who Anderson Cooper is.</p> <p>6 Q. You know what the blue screen video is --</p> <p>7 A. Yes.</p> <p>8 Q. -- where his nose disappears?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You know that there's some videos of</p> <p>11 some interviews that were just kind of strange, right?</p> <p>12 Those are something you've seen?</p> <p>13 A. Yes.</p> <p>14 Q. There's been discussion on InfoWars about the</p> <p>15 interior videos taken of the school itself, right?</p> <p>16 A. Yes.</p> <p>17 Q. There's been discussion on InfoWars about dash</p> <p>18 cam video footage at Sandy Hook? Remember Mr. Dew</p> <p>19 talking about videos of the officers eating their</p> <p>20 lunches on top of their cars?</p> <p>21 A. I don't remember that.</p> <p>22 Q. Okay. But if there was -- if Mr. Dew talks</p> <p>23 about dash cam footage, you have no reason to believe</p> <p>24 he's lying, do you?</p> <p>25 A. I'm still not familiar with what you're</p>

<p style="text-align: right;">18</p> <p>1 talking about.</p> <p>2 Q. Okay. And InfoWars has also discussed</p> <p>3 questioning the official story from time to time,</p> <p>4 correct?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Including the official report about Sandy Hook</p> <p>7 that was released? There's some weird things in there</p> <p>8 that have been questioned on InfoWars?</p> <p>9 A. The one that came out, like, five or six years</p> <p>10 later.</p> <p>11 Q. I think in December of 2013, so about a year</p> <p>12 later.</p> <p>13 A. The state police report?</p> <p>14 Q. The state police report. Are you familiar</p> <p>15 with what I'm talking?</p> <p>16 A. That's so long ago, six years ago, I just...</p> <p>17 Q. Well, I mean, there's anomalies all over the</p> <p>18 place is what I'm saying. You've seen --</p> <p>19 A. There have been a lot of people asking a lot</p> <p>20 of questions that isn't legal yet in this country.</p> <p>21 Q. Right. Recently your lawyer said in a legal</p> <p>22 document, "There is no dispute that the Sandy Hook</p> <p>23 tragedy was real with tragic loss of life." Do you</p> <p>24 stand by that?</p> <p>25 A. I'm sorry. You're talking so fast.</p>	<p style="text-align: right;">20</p> <p>1 to waste. Sometimes things are completely made up, like</p> <p>2 the babies in the incubators, which is admitted. You</p> <p>3 know, they've got the PR firm that said the babies</p> <p>4 brains were all bashed out and we lost all those wars.</p> <p>5 Q. I've heard you say that.</p> <p>6 A. And so it's just been -- and the WMDs. The</p> <p>7 WMDs were a lie, too, and then watched -- that have</p> <p>8 killed millions of people.</p> <p>9 MR. BANKSTON: Objection, nonresponsive.</p> <p>10 A. Well, I'm trying to answer the question.</p> <p>11 Q. (BY MR. BANKSTON) Oh, do you know what</p> <p>12 question you're answering?</p> <p>13 A. Well, you were asking a question of, like --</p> <p>14 I'm not sure. You said you've always questioned; and</p> <p>15 I'm saying, no, I questioned it up front. The public</p> <p>16 questioned it. And then, as I had time to go over it, a</p> <p>17 lot of the anomalies turned out to not be accurate; and</p> <p>18 I believe school shootings happen.</p> <p>19 Q. All right. So I think a shorter way is you</p> <p>20 had doubts; you had questions until you didn't. At some</p> <p>21 point -- I mean, things change; I understand that. But</p> <p>22 there have been points in which you've questioned the</p> <p>23 official narrative. You've had serious doubts about</p> <p>24 some of these things?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">19</p> <p>1 Q. Sure, sure. Let me slow down a little bit for</p> <p>2 you, Mr. Jones. Recently your lawyer said in a legal</p> <p>3 document, "There is no dispute that the Sandy Hook</p> <p>4 tragedy was real with tragic loss of life." You stand</p> <p>5 by that; that's what you admit is true now?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. But in the past -- before you had all</p> <p>8 the information, in the past, you didn't know exactly</p> <p>9 what happened at Sandy Hook? You've questioned it?</p> <p>10 A. Oh, certainly in the past. You mean in the</p> <p>11 last seven years?</p> <p>12 Q. Sure.</p> <p>13 A. Yes.</p> <p>14 Q. And, in fact, over the course of covering</p> <p>15 Sandy Hook over the past six or so years, you've always</p> <p>16 entertained serious doubts about what really happened</p> <p>17 that day?</p> <p>18 A. I'm sorry. I don't understand.</p> <p>19 Q. Sure. Over the course of Sandy Hook, you've</p> <p>20 questioned the official story. You've had serious</p> <p>21 doubts that the official story was true?</p> <p>22 A. I've always, from the beginning, had questions</p> <p>23 about any big public event that's hyped up because so</p> <p>24 many times parts of it are being covered up or things</p> <p>25 are being staged or they're not letting a new crisis go</p>	<p style="text-align: right;">21</p> <p>1 Q. And these anomalies that have come up, these</p> <p>2 things have raised serious doubts. You've had serious</p> <p>3 doubts about the anomalies, too?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. By the spring of 2013 or so, let's say</p> <p>6 just a few months after the shooting, by that point, you</p> <p>7 had gone from theory to just straight up telling your</p> <p>8 audience, "Sandy Hook was staged, and the evidence is</p> <p>9 overwhelming"?</p> <p>10 MR. BARNES: Objection as to form.</p> <p>11 Q. (BY MR. BANKSTON) Correct?</p> <p>12 A. Well, what does "staged" mean?</p> <p>13 Q. I'm just asking what you were telling your</p> <p>14 audience.</p> <p>15 A. No, no --</p> <p>16 Q. I'm not answering your questions, Mr. Jones.</p> <p>17 You're going to tell me what "staged" means when you</p> <p>18 said it. So what I'm asking you is: A few months after</p> <p>19 the shooting, you had gone from theory to straight up</p> <p>20 telling your audience, "Sandy Hook was staged, and the</p> <p>21 evidence was overwhelming." True or false?</p> <p>22 A. But I'm asking you to define what you mean by</p> <p>23 "staged."</p> <p>24 Q. I'm not asking -- I'm not asking for a</p> <p>25 definition of "staged." I don't care what "staged"</p>

<p style="text-align: right;">22</p> <p>1 means. I'm asking: Did you say it?</p> <p>2 A. I don't have it in front of me; but, I mean, I</p> <p>3 did say that I saw a lot of anomalies that I thought</p> <p>4 that certainly large parts of the way it was being</p> <p>5 handled, you know, the Supreme Court came out saying</p> <p>6 they covered up some of the reports on what happened</p> <p>7 with the incident. I think a lot of that's been borne</p> <p>8 out that when you see a cover-up going on, you're not</p> <p>9 sure what's happening inside of it.</p> <p>10 And later we just learned it was a</p> <p>11 cover-up of, I think, some of the negligence there in</p> <p>12 the town and with the school. I don't know the teacher</p> <p>13 that tried to save the kids was negligent -- that</p> <p>14 person's a hero -- and sadly got sued. But I do, you</p> <p>15 know, clearly think there was some cover-up, but it</p> <p>16 wasn't in that it was all, the whole thing, staged, but</p> <p>17 that the way the media handled it was synthetic. They</p> <p>18 way it was used against gun owners was synthetic.</p> <p>19 MR. BANKSTON: All right, Mr. Jones.</p> <p>20 Objection, nonresponsive.</p> <p>21 Can you play the clip Overwhelming for</p> <p>22 me, please?</p> <p>23 Q. (BY MR. BANKSTON) Mr. Jones, I want to show</p> <p>24 you clip from April 16th, 2013.</p> <p>25 (Video playing.)</p>	<p style="text-align: right;">24</p> <p>1 MR. BARNES: The same objection as to</p> <p>2 form and that these are highly edited excerpts from --</p> <p>3 (Simultaneous speakers.)</p> <p>4 MR. BANKSTON: Can you stop with speaking</p> <p>5 objections.</p> <p>6 MR. BARNES: Obviously --</p> <p>7 MR. BANKSTON: Yeah, I know exactly what</p> <p>8 you're doing; and you need to say: Objection, form;</p> <p>9 objection, leading; assert a privilege or stay quiet.</p> <p>10 You do not need to be making suggestive objections about</p> <p>11 the content of the evidence and what its form is. You</p> <p>12 don't need to be doing that, Mr. Barnes.</p> <p>13 MR. BARNES: I'm not trying to do that.</p> <p>14 I'm just saying that these are videos that are highly --</p> <p>15 MR. BANKSTON: That's a great opinion. I</p> <p>16 don't understand why your opinion is relevant to these</p> <p>17 questions right now. You wouldn't be doing this in a</p> <p>18 courtroom. Don't do it in my deposition right now.</p> <p>19 MR. BARNES: Oh, yeah, in a courtroom it</p> <p>20 wouldn't come in because it wouldn't be admissible</p> <p>21 because of the rule of completeness.</p> <p>22 MR. BANKSTON: Mr. Barnes, that's why</p> <p>23 your objection's preserved as to the form of that</p> <p>24 evidence. You don't have to raise an objection. The</p> <p>25 only reason you would be doing it is to possibly</p>
<p style="text-align: right;">23</p> <p>1 Q. (BY MR. BANKSTON) That's you on the video,</p> <p>2 right?</p> <p>3 A. Yes, that's me on the short video.</p> <p>4 Q. Yeah, it's a short video. I understand.</p> <p>5 By the end of 2014 you had personally</p> <p>6 done intensive research, and you concluded Sandy Hook</p> <p>7 was all fake?</p> <p>8 MR. BARNES: Objection as to form. And</p> <p>9 are you asking him to repeat a quote?</p> <p>10 MR. BANKSTON: No. I'm asking him --</p> <p>11 Q. (BY MR. BANKSTON) By the end of 2014 you had</p> <p>12 personally done intensive research; and you concluded it</p> <p>13 was all fake, correct?</p> <p>14 MR. BARNES: Still objection as to form.</p> <p>15 A. The specific areas I was talking about being</p> <p>16 fact, not in a totality.</p> <p>17 MR. BANKSTON: Okay. Can you play the</p> <p>18 clip for me?</p> <p>19 Q. (BY MR. BANKSTON) Mr. Jones, I'm going to</p> <p>20 play you a clip from December 29th, 2014.</p> <p>21 MR. BANKSTON: Go ahead and play that for</p> <p>22 me, please.</p> <p>23 (Video playing.)</p> <p>24 Q (BY MR. BANKSTON) That's you saying you did</p> <p>25 deep research, correct?</p>	<p style="text-align: right;">25</p> <p>1 influence the witness.</p> <p>2 MR. BARNES: So can we have a standing</p> <p>3 stipulation that when I object to form, that includes an</p> <p>4 objection to the rule of completeness?</p> <p>5 MR. BANKSTON: Absolutely.</p> <p>6 MR. BARNES: Thank you. Then we're good.</p> <p>7 MR. BANKSTON: And for the record every</p> <p>8 objection to every piece of evidence is preserved under</p> <p>9 the Texas Rules, which --</p> <p>10 MR. BARNES: I was objecting in a way</p> <p>11 that --</p> <p>12 MR. BANKSTON: Mr. Barnes --</p> <p>13 (Simultaneous speakers.)</p> <p>14 THE REPORTER: Excuse me, Counsel. You</p> <p>15 are speaking over one another. You're making the record</p> <p>16 very muddled.</p> <p>17 MR. BARNES: I'm sorry.</p> <p>18 So we have a standing stipulation that</p> <p>19 when I object to form, that includes an objection on</p> <p>20 rule of completeness grounds to any evidence that -- or</p> <p>21 a document or exhibit would otherwise include other</p> <p>22 excerpts.</p> <p>23 MR. BANKSTON: Thank you, Mr. Barnes.</p> <p>24 MR. BARNES: Perfect.</p> <p>25 Q (BY MR. BANKSTON) Over the next few years,</p>

<p style="text-align: right;">26</p> <p>1 Mr. Jones, you did dozens and dozens of videos with that 2 same message about Sandy Hook being staged, correct? 3 MR. BARNES: Objection as to form. 4 A. No. 5 Q. (BY MR. BANKSTON) Okay. Well, I want to talk 6 about some of the claims you've made over the years. 7 The first thing I want to talk to you about is circles 8 and I want to show you a video clip of something you 9 said on November 18, 2016; April 22nd, 2017; and 10 June 13, 2017. 11 MR. BANKSTON: Can you play me the video 12 clip Going in Circles? 13 (Video playing.) 14 MR. BANKSTON: Can you give me the last 15 frame, please? 16 Q (BY MR. BANKSTON) Mr. Jones, when you said 17 you'd be running them away from the building, what did 18 you mean by that? 19 A. The police should be getting the children away 20 from the building. 21 Q. Right. Okay. So the police should be -- 22 scratch that. 23 No doubt there's a dangerous situation, a 24 shooter on campus? Is it dangerous when there's 25 somebody shooting up a school?</p>	<p style="text-align: right;">28</p> <p>1 Mr. Enoch; and one was already chosen. And, no, 2 Mr. Enoch, there will be one lawyer speaking on the 3 record. There is one lawyer defending the deposition. 4 I am not being tag-teamed by the two of you. And so I 5 would appreciate it if you kept your mouth shut for this 6 deposition and let Mr. Barnes defend the deposition. 7 For the record in the bottom corner of 8 this screen is a large InfoWars logo. This was 9 broadcast on InfoWars. 10 Q. (BY MR. BANKSTON) So, Mr. Jones, my question 11 to you is: When you broadcast this to your audience and 12 told them this, you knew that wasn't the school, 13 correct? 14 MR. ENOCH: Mark, would you please answer 15 my question? And it's a simple question: If you 16 represent that the video of the school that you're 17 showing, the firehouse, was part of the same broadcast 18 in which he made his statements -- 19 MR. BANKSTON: Yes. Mr. Enoch, we just 20 watched it. Do you really think I edited his words over 21 a different video? 22 MR. ENOCH: Well, what I think doesn't 23 matter. Thank you for answering the question. 24 MR. BANKSTON: Mr. Enoch, I would 25 appreciate it if you kept quiet the remainder of this</p>
<p style="text-align: right;">27</p> <p>1 A. Yes. 2 Q. Okay. And so you would think if proper 3 procedures were being followed in keeping them safe, 4 this looks pretty weird, doesn't it, if they're not 5 being run away from the building, right? 6 A. Yes. 7 Q. But, Mr. Jones, when you said this to your 8 audience, you knew that wasn't the school. You knew 9 that, right? 10 MR. ENOCH: Are you saying that's part of 11 his broadcast? 12 MR. BANKSTON: Yes. It says InfoWars 13 right there on the bottom. 14 MR. ENOCH: Is that part of the same 15 broadcast? 16 MR. BANKSTON: Yes. Do you see where it 17 says InfoWars? 18 MR. ENOCH: As long as you're 19 representing that the video that you're showing him now 20 with the people walking across was part of the same 21 broadcast -- 22 MR. BANKSTON: Okay. First of all -- 23 MR. ENOCH: -- statements. 24 MR. BANKSTON: First of all, there's 25 only going to be one lawyer defending this deposition,</p>	<p style="text-align: right;">29</p> <p>1 deposition and let Mr. Barnes defend the deposition. 2 Q. (BY MR. BANKSTON) Mr. Jones, you knew that 3 wasn't the school? 4 MR. BARNES: Object to the form. 5 Q. (BY MR. BANKSTON) Correct? 6 A. I did not know that. This is so edited it 7 looks like two different shows together. Can you play 8 it again? It's so edited. I've never... 9 MR. BANKSTON: Can you play at least the 10 last part there where he's doing the video? 11 THE WITNESS: Just play the whole thing. 12 MR. BANKSTON: Play the whole video again 13 for him. 14 Q. (BY MR. BANKSTON) These are three different 15 clips. And I'll remind you, Mr. Jones, these are from 16 November 18, 2016; April 22nd, 2017; and June 13, 2017. 17 A. You just told him it was the same broadcast. 18 Q. And this one right here is the same broadcast, 19 Mr. Jones. 20 MR. ENOCH: Is this the -- 21 MR. BANKSTON: This is November 18th, 22 2016. 23 (Video playing.) 24 Q (BY MR. BANKSTON) Let's see if we can help 25 you understand this. Hold on, Mr. Jones. Let's see if</p>

<p>30</p> <p>1 we can help you understand this. You understand this</p> <p>2 first video where it says Sandy Hook Vampires Exposed,</p> <p>3 you see that?</p> <p>4 A. Yes. That's about the media.</p> <p>5 Q. Correct. That's April 22nd, 2017. That's an</p> <p>6 InfoWars video.</p> <p>7 A. It's blurred. I can't see that.</p> <p>8 Q. In other words, you know that there was an</p> <p>9 InfoWars video with that title, correct?</p> <p>10 A. I believe so.</p> <p>11 Q. Okay. And then we saw a second clip from your</p> <p>12 Megyn Kelly interview, right?</p> <p>13 A. Which was highly edited.</p> <p>14 Q. Sure. And I edited a piece of it in here,</p> <p>15 correct? That was from the Megyn Kelly --</p> <p>16 MR. ENOCH: Wait. Time out. Time out.</p> <p>17 We need to take a break. You just told me that</p> <p>18 everything you showed him was from one video.</p> <p>19 MR. BANKSTON: No, Mr. Enoch. I told you</p> <p>20 what was on the screen and the audio were from the same</p> <p>21 video.</p> <p>22 MR. ENOCH: If you want to take a fair</p> <p>23 deposition, you're entitled to do that. You are not</p> <p>24 entitled to misrepresent to the witness three different</p> <p>25 dates in deposition and say -- three different dates of</p>	<p>32</p> <p>1 about this one. This is the Sandy Hook Vampires</p> <p>2 Exposed. And we've talked about the second clip being</p> <p>3 from the Megyn Kelly interview, right? Correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Now then, the third clip that starts at</p> <p>6 the end where it shows the video that we were talking</p> <p>7 about and you remember there was something you did</p> <p>8 called Final Statement on Sandy Hook in November of</p> <p>9 2016?</p> <p>10 MR. ENOCH: Mark --</p> <p>11 MR. BANKSTON: Mr. Enoch --</p> <p>12 MR. ENOCH: -- you are -- maybe you don't</p> <p>13 intend to do it, Mark; but you're stating something</p> <p>14 that's not correct. You just said one is from the Megyn</p> <p>15 Kelly interview and you gave us three dates and none of</p> <p>16 them are the Megyn Kelly date.</p> <p>17 MR. BANKSTON: I'm sorry if I've given</p> <p>18 you a wrong date. It was June 13th, 2017.</p> <p>19 MR. ENOCH: That is not the Megyn Kelly</p> <p>20 broadcast.</p> <p>21 MR. BANKSTON: Okay. If I've misstated</p> <p>22 the date, that's my -- and you can object to that or you</p> <p>23 can do whatever you want.</p> <p>24 Q. (BY MR. BANKSTON) Do you agree that's the</p> <p>25 Megyn Kelly broadcast we were watching? That interview</p>
<p>31</p> <p>1 video and say this was the same video. Were these, all</p> <p>2 the clips that you showed him the same video, "yes" or</p> <p>3 "no"?</p> <p>4 MR. BANKSTON: No. And we've said that</p> <p>5 repeatedly from the moment I asked him. They were three</p> <p>6 different dates. I read the three different dates to</p> <p>7 you, Mr. Enoch. So your indignation can calm down, and</p> <p>8 I'd like you to be quiet in this deposition.</p> <p>9 MR. ENOCH: In what video --</p> <p>10 MR. BANKSTON: Mr. Barnes, can you please</p> <p>11 instruct your counsel to be quiet? You are defending</p> <p>12 this deposition.</p> <p>13 MR. ENOCH: Let's take a break.</p> <p>14 MR. BANKSTON: Actually, I've got a</p> <p>15 question on the floor. We're not taking a break.</p> <p>16 MR. BARNES: You're entitled to do</p> <p>17 depositions the way you want, but I'm just saying it's</p> <p>18 creating a lot of unnecessary confusion.</p> <p>19 MR. BANKSTON: And, hey, I'm walking</p> <p>20 through it with him right now.</p> <p>21 MR. BARNES: Okay.</p> <p>22 MR. BANKSTON: We're going to clear up</p> <p>23 all that confusion. All right? That's what we're going</p> <p>24 to do. Okay?</p> <p>25 Q. (BY MR. BANKSTON) Mr. Jones, we've talked</p>	<p>33</p> <p>1 in the middle was from the Megyn Kelly interview?</p> <p>2 A. I saw part of that. I mean, it was so fast,</p> <p>3 I...</p> <p>4 Q. We'll keep it slow. We'll keep going --</p> <p>5 A. I watch Court TV and stuff. Nobody plays</p> <p>6 edited tapes.</p> <p>7 Q. Okay. This video here that we're looking at</p> <p>8 is something from Final Statement on Sandy Hook. Do you</p> <p>9 remember doing a video from Final Statement on Sandy</p> <p>10 Hook?</p> <p>11 A. I do remember that.</p> <p>12 Q. Okay. And this video here is where you showed</p> <p>13 this footage, and you made some comments about kids</p> <p>14 going in circles, right?</p> <p>15 MR. BARNES: Objection as to form.</p> <p>16 A. If that's from it, I remember making comments.</p> <p>17 Q. (BY MR. BANKSTON) Okay. Mr. Jones, do you</p> <p>18 see that ambulance right there?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. I want to play you a couple of clips.</p> <p>21 MR. BANKSTON: Can you play me --</p> <p>22 Q. (BY MR. BANKSTON) I want to play you</p> <p>23 something from July 5th, 2015.</p> <p>24 MR. BANKSTON: Can you play me the clip</p> <p>25 called Ambulance?</p>

<p style="text-align: right;">34</p> <p>1 Q. (BY MR. BANKSTON) These are two things that 2 you and Mr. Dew -- 3 (Video playing.) 4 Q. (BY MR. BANKSTON) Mr. Jones, if you saw 5 ambulances parked next to that building, you knew it 6 wasn't the school, didn't you? 7 MR. BARNES: Objection as to form. 8 A. No, I didn't. And later I corrected, before I 9 was ever sued that that was one of the things that had 10 been said that wasn't true was that they were at the 11 firehouse. There was other footage, too, from the 12 school. So it's all edited. So it's hard to respond to 13 this. I want to respond to your questions. It's so 14 edited, like, two- or three-second clips sandwiched in 15 with others. It looks like more than three broadcasts. 16 Q. (BY MR. BANKSTON) Well, let's look right 17 there. That was just two things, something you said, 18 something Mr. Dew said. 19 A. Yeah, I -- 20 Q. Hold on. Ambulances are parked down the road; 21 they didn't even go to the school. Then a year later, 22 you showed your audience a video of a building with an 23 ambulance to it; and you told them it was the school? 24 A. I talk four hours a day, and I can't remember 25 what I talked about sometimes a week ago. Sandy Hook</p>	<p style="text-align: right;">36</p> <p>1 (Video playing.) 2 Q. (BY MR. BANKSTON) Mr. Jones, there are no 3 elementary aged children in this line of people walking, 4 is there? 5 A. No. It's another clip we're talking about. 6 Q. Yeah. Do you see here is where they're 7 walking in the circles? None of those people have their 8 hands up, do they? 9 A. But there is footage I've seen that shows 10 that. So you're conflating two different things. 11 Q. Really? Because you were talking about the 12 footage on your show. You're saying there's actually a 13 different piece of video footage with children with 14 their hands up being led in circles in and out of -- 15 A. From my memory it's a live show, so the people 16 in there was throwing stuff up. Many times it's not 17 accurate, sure. 18 Q. So the video clip you were showing wasn't even 19 of the school? 20 MR. BARNES: Objection as to form. 21 Q. (BY MR. BANKSTON) Correct? 22 A. I'm not sure about what video this is it's so 23 edited, but I wrongly have said in the past, off of news 24 reports that I was relying on, that the children were 25 going around with their hands up at the school when it</p>
<p style="text-align: right;">35</p> <p>1 has been, in the aggregate, less than one-tenth of 2 1 percent of what I cover. And I understand that you've 3 been living this and pouring over it constantly. I have 4 done almost no preparation for this. It's very -- it 5 gives me a headache, and I just -- you're just showing 6 me a bunch of edited tapes. 7 Q. What question are you answering? 8 A. You're asking me about a bunch of edited -- 9 how does someone answer... 10 Q. Mr. Jones, what question were you answering? 11 A. If you put a bunch of pages in a blender with 12 writing on it and blended it all up and you asked me 13 what's in the blender, I can't answer you a question 14 with a bunch of blended words. 15 Q. Mr. Jones, I'm asking you: If there's 16 ambulances next to the building, you know it's not the 17 school? 18 MR. BARNES: Objection as to form. 19 Q. (BY MR. BANKSTON) Correct? 20 A. No, that's not what I meant. 21 Q. Okay. I want to play you a piece of video 22 footage from the helicopter footage. Let's take a look 23 at that really quick. 24 MR. BANKSTON: Can you play the 25 December 14th, 2012 Helicopter Firehouse Footage?</p>	<p style="text-align: right;">37</p> <p>1 was the firehouse. And that's one of the main anomalies 2 that ended up to not be true and the reason I changed my 3 mind about a lot of things. 4 Q. Sure. After 2017, right? 5 A. Well, I've gone back when I've been asked 6 about anomalies and I've repeated those anomalies and 7 those tapes have been edited and that's why I do not do 8 interviews now and talk about the anomalies, because 9 those are edited. 10 Q. Right. Let's talk about the school itself. I 11 want to show you two comments that you made on July 7th, 12 2015 and April 22nd, 2017. 13 MR. BANKSTON: Can you play The School 14 was Closed? 15 (Video playing.) 16 Q (BY MR. BANKSTON) The first thing, you admit 17 now there are no e-mails between City Council and the 18 School in which Sandy Hook was being shut down; that's 19 not a real thing? 20 MR. BARNES: Objection as to form. 21 A. This is almost seven years old, but I do 22 believe that we wouldn't -- I mean, sometimes we're 23 wrong about things; but there's always some news we're 24 covering or a witness or something. So I can't answer 25 that because of just memory.</p>

<p>38</p> <p>1 Q. (BY MR. BANKSTON) Mr. Jones, you said it was 2 seven years ago?</p> <p>3 A. Six years ago, whatever it was.</p> <p>4 Q. You just -- that stuff we just played you was 5 April 22nd, 2017. That was a year before you were sued, 6 right?</p> <p>7 A. It was 3 seconds long.</p> <p>8 Q. Right. But it's not seven years ago, is it, 9 Mr. Jones? You were saying that a year before you were 10 sued.</p> <p>11 MR. BARNES: Objection as to form.</p> <p>12 A. I can't answer. It's out of context. I don't 13 know what you're showing me.</p> <p>14 MR. BANKSTON: Of course. Objection, 15 nonresponsive.</p> <p>16 Q. (BY MR. BANKSTON) When you said in the video 17 it's all rotting and falling apart, we'd talked earlier, 18 you'd seen the interior video of Sandy Hook; that's 19 something you'd seen before?</p> <p>20 A. The photos of the mold and the rotting doors.</p> <p>21 Q. And you said on the video it was falling 22 apart. You just said that on the video?</p> <p>23 MR. BARNES: Objection as to form.</p> <p>24 Q. (BY MR. BANKSTON) Right?</p> <p>25 A. I saw the edited video. I don't know where</p>	<p>40</p> <p>1 video of Sandy Hook that was taken that day. I want to 2 show you a clip from that, and I want you to note that 3 every time they're going to go -- there's a couple of 4 times they're going to go in the hallway; and there's 5 part of the hallway they go in that has to be redacted 6 because that's where Ms. Hochsprung and Ms. Sherlach's 7 blood is all over that hallway. But I want you to take 8 a look at the hallways and the classrooms for me as you 9 watch this video.</p> <p>10 MR. BANKSTON: Can you play Interior of 11 Sandy Hook?</p> <p>12 (Video playing.)</p> <p>13 Q (BY MR. BANKSTON) Mr. Jones, that school is 14 not rotting, falling apart, or abandoned, is it?</p> <p>15 MR. BARNES: Objection as to form. I 16 assume that includes any authentication disputes that I 17 have about whether something is --</p> <p>18 MR. BANKSTON: Under the Texas Rules 19 every bit of evidence that is offered in deposition is 20 not -- there's no waiver of any objections.</p> <p>21 Q. (BY MR. BANKSTON) That video's not rotting -- 22 that school's not rotting and falling apart and it's not 23 abandoned, is it, Mr. Jones?</p> <p>24 A. I've never seen that video.</p> <p>25 Q. I'm perfectly confident you haven't.</p>
<p>39</p> <p>1 it's from. I don't know the context.</p> <p>2 Q. Sure. But you said in this video, in the 3 video, the school's rotting and all falling apart and 4 nobody's even in it.</p> <p>5 MR. BARNES: Objection --</p> <p>6 Q. (BY MR. BANKSTON) Right? That's what you 7 said?</p> <p>8 MR. BARNES: Objection as to form.</p> <p>9 A. I have no idea what the context of this is.</p> <p>10 Q (BY MR. BANKSTON) So wait. There's a context 11 in which saying in the video that the school was all 12 rotting and falling apart and nobody's even in it --</p> <p>13 A. Why are these videos all 3 seconds long?</p> <p>14 Q. Because I'm focusing in on specific issues, 15 Mr. Jones. And I want to know: This claim you made 16 that there is a video of the school where's it's 17 rotting and falling apart -- that's all I care about 18 right now -- you saw such a video?</p> <p>19 MR. BARNES: Objection as to form.</p> <p>20 A. I have seen, from memory, news reports showing 21 photos and images. And my memory fails, but I do 22 remember seeing photos put to video of the school being 23 in disrepair in the reports.</p> <p>24 Q. (BY MR. BANKSTON) Let's play for you really 25 quick -- I want to show you this video, the interior</p>	<p>41</p> <p>1 Absolutely, I know that. But what I'm asking you --</p> <p>2 A. I don't even know --</p> <p>3 Q. -- is seeing it right now, what I just showed 4 you, regardless of what school it was or if I just went 5 and took it over at Eastside Elementary, that school 6 that you just saw on the screen is not rotting, is not 7 falling apart, and does not look to be abandoned, does 8 it?</p> <p>9 A. It looks dilapidated.</p> <p>10 Q. Okay, Mr. Jones. You've seen Mr. Zipp's 11 affidavit, correct?</p> <p>12 A. Mr. Zipp?</p> <p>13 Q. Mr. Zipp, Fred Zipp, Plaintiff's expert who's 14 sitting with us in the room today, you've seen his 15 affidavit in this case?</p> <p>16 A. No.</p> <p>17 Q. Okay. So you didn't know that there were 180 18 news articles from 2009 to 2011 about the Sandy Hook 19 school with photos of the children doing things from 20 multiple sources; that's not something you've ever 21 known?</p> <p>22 A. I didn't know that number. I mean, I've seen 23 photos and things showing mold and the place dirty and 24 messed up if that's what you're talking about.</p> <p>25 Q. No. I asking you that the school was open</p>

<p style="text-align: right;">42</p> <p>1 during those years, right? During 2009 to 2011 there's 2 plenty of evidence the school was open, right? 3 A. There's been controversy, like, on Google, 4 showing their deliveries and things like that. I mean, 5 that was controversy we covered. 6 Q. Okay. So based on what you knew at the time, 7 you entertained serious doubts about whether the school 8 was open? 9 MR. BARNES: Objection as to form. 10 Q. (BY MR. BANKSTON) In other words -- let me 11 pull that back, Mr. Jones. 12 A. I had said stuff about Jussie Smollett. 13 Q. Sure. Okay. 14 A. I was the first person to question it. 15 Q. Sure. And I'm not going to try to pin you 16 down on here. Let's just be straight up and upfront 17 about it. You didn't know one way or the other, right, 18 whether the school was open? You had some doubts. You 19 didn't know one way or another; you couldn't confirm it 20 one way or another? 21 A. I know that some investigators who were 22 accredited school safety folks who thought were 23 credible experts were the ones -- professors and others 24 that were in good standing -- were the ones that were 25 really doing these investigations; and that I was in</p>	<p style="text-align: right;">44</p> <p>1 interview's coming up; and let's just be upfront about 2 it. It was edited, and you didn't think that was fair, 3 right? I mean, it was pretty heavily edited? 4 A. I think they call it deceptively jump titles. 5 I mean, your videos are worse; but sure. Sure. 6 Q. Yeah, I get that. I get that. 7 Let's take a look at something you said 8 right before the Megyn Kelly interview. Okay? And this 9 is on June 13th, 2017. 10 MR. BANKSTON: Will you play the clip 11 called EMTs? 12 (Video playing.) 13 Q. (BY MR. BANKSTON) How did you determine that? 14 MR. BARNES: Objection as to form. 15 A. I was reading someone else's report. 16 MR. BANKSTON: Okay. Hold on. 17 Bring up the last frame again. 18 Q. (BY MR. BANKSTON) Mr. Jones, I'm going to 19 lean up here so I can kind of point a little bit. Do 20 you see here where it says, "What Alex Jones really 21 believes about Sandy Hook?" 22 A. Yes, I do. 23 Q. Do you see where it says, "Among his 24 questions?" Do you see that? 25 A. Yes.</p>
<p style="text-align: right;">43</p> <p>1 some cases taking what they said incorrectly. And I've 2 admitted to that. 3 Q. And with no corroboration? You just take what 4 they said and you trusted these guys, right? 5 A. I mean, I'd seen one of the guys, like, on 6 national television before on the Columbine stuff as a 7 national safety expert; and he sounded pretty credible. 8 Q. Mr. Halbig, right? 9 A. Yes. 10 Q. And he had sent you something in the 11 neighborhood of -- ten fours -- 4,000 e-mails? 12 A. It's a lot, yeah. 13 Q. And looking at those e-mails, taking a look at 14 them, you wouldn't agree with me that that man is a 15 raving lunatic? 16 A. He seemed very credible and put together 17 earlier on, but -- I can't remember the exact number -- 18 he seemed to get agitated about four years ago, three 19 years ago. 20 Q. Let's talk a little bit about EMTs, emergency 21 medical technicians; and I want to show you a clip of 22 something that you said. And this, to address 23 Mr. Enoch, is I think where this got messed up. There's 24 a clip, again, on June 13, '27 [sic.] right before the 25 Megyn Kelly interview. In other words, the Megyn Kelly</p>	<p style="text-align: right;">45</p> <p>1 Q. Do you see it says, "In closing Jones 2 says..."? 3 A. I believe that's where I'm saying I think 4 Sandy Hook happened. 5 Q. Right. What I'm asking you is: When it's 6 talking "his questions," that's Zero Hedge reporting on 7 your questions. And when it says, "In closing Jones 8 says," that's Zero Hedge reporting on what you said. 9 And now, in some sort of inception, this 10 is you reporting on Zero Hedge reporting on what you 11 said? 12 A. Can you make it bigger? I can't read that. 13 Q. I cannot make that bigger, Mr. Jones; but I'm 14 asking -- 15 THE WITNESS: May I approach it, your 16 Honor? 17 MR. BANKSTON: You may approach it. 18 Yeah, go ahead. 19 THE WITNESS: I can't even see it. My 20 god. There's no way to blow it up maybe? 21 MR. BANKSTON: I don't think I can blow 22 that up. 23 A. "My heart goes out to the" -- I can't read it. 24 "My heart goes out to the parents of lost children." 25 Q. (BY MR. BANKSTON) Okay. That's great. What</p>

<p style="text-align: right;">46</p> <p>1 I'm asking you, Mr. Jones, is: Do you see the word</p> <p>2 "his"?</p> <p>3 A. Yes.</p> <p>4 Q. Who does "his" refer to?</p> <p>5 A. I believe it refers to me.</p> <p>6 Q. Okay.</p> <p>7 MR. BANKSTON: You can take a seat,</p> <p>8 Mr. Jones.</p> <p>9 Q. (BY MR. BANKSTON) So how did you come to the</p> <p>10 conclusion that they never let paramedics or EMTs in the</p> <p>11 building?</p> <p>12 MR. BARNES: Objection as to form.</p> <p>13 A. I went off of the professors and all the</p> <p>14 so-called experts.</p> <p>15 Q. (BY MR. BANKSTON) Okay.</p> <p>16 A. And they wouldn't release a bunch of the</p> <p>17 reports. There were a bunch of lawsuits about the</p> <p>18 secrecy, which added to all of the -- and as more of the</p> <p>19 stuff got released, then it proved the official story.</p> <p>20 Q. When do you think that the police reports on</p> <p>21 Sandy Hook were released? When do you think that</p> <p>22 happened?</p> <p>23 A. I know there was one report -- you know, I</p> <p>24 don't know the date, so I don't want to be inaccurate.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">48</p> <p>1 MR. BANKSTON: You can sit there and read</p> <p>2 that. Does that sound good?</p> <p>3 THE WITNESS: Well, I may need to -- if</p> <p>4 we're taking a break, I'm going to go to the bathroom</p> <p>5 and stuff.</p> <p>6 MR. BANKSTON: Sure, you can go to the</p> <p>7 bathroom. I'm not going to stop you from that,</p> <p>8 Mr. Jones. I'm not -- your bodily functions are your</p> <p>9 own.</p> <p>10 Let's go ahead and go off the record.</p> <p>11 THE VIDEOGRAPHER: We're off the record</p> <p>12 at 12:44 p.m.</p> <p>13 (Off the record from 12:44 to 12:58 p.m.)</p> <p>14 THE VIDEOGRAPHER: We are back on the</p> <p>15 record at 12:58 p.m.</p> <p>16 Q (BY MR. BANKSTON) Mr. Jones, before we went</p> <p>17 on a break we were talking about the issue of whether</p> <p>18 there were EMTs allowed into the building, and I</p> <p>19 provided you with a couple of findings of some police</p> <p>20 reports. I have put in front of you Exhibit 2, the</p> <p>21 statement of Lieutenant Vanghele, correct? You've had a</p> <p>22 chance to read that?</p> <p>23 A. Vanghele. I did read most of it, but I didn't</p> <p>24 get to the second one.</p> <p>25 Q. Oh, okay. Well, let's look at Exhibit 2. You</p>
<p style="text-align: right;">47</p> <p>1 A. I believe one took over five years.</p> <p>2 Q. Okay. Well, let me show you one that didn't</p> <p>3 take five years. Okay? We're going to talk about one</p> <p>4 of those, and I'm going to mark it for you right now as</p> <p>5 Exhibit 2.</p> <p>6 MR. BANKSTON: We're actually going to</p> <p>7 the videos after the sequence. I think that's going to</p> <p>8 be lot easier.</p> <p>9 (Exhibit 2 marked.)</p> <p>10 Q. (BY MR. BANKSTON) Mr. Jones, I have handed</p> <p>11 you a State of Connecticut Department of Public Safety</p> <p>12 Investigation Report. Do you see that at the top?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Okay. And you see kind of in the middle</p> <p>15 there, "Place of Interview: Newtown Police Department,"</p> <p>16 right in the middle of the interview report?</p> <p>17 A. I need to read this.</p> <p>18 Q. In fact, you know what, just to be fair to you</p> <p>19 about this, it's a long report, right? I mean, it's</p> <p>20 five, six pages? Let's let you read the whole thing.</p> <p>21 Don't you think that'd be fair?</p> <p>22 A. Sure.</p> <p>23 MR. BANKSTON: In fact, let's go off the</p> <p>24 record. We'll take a little break.</p> <p>25 THE WITNESS: Well, I mean --</p>	<p style="text-align: right;">49</p> <p>1 have Exhibit 2 in your hand?</p> <p>2 A. I'm on 2.</p> <p>3 Q. Let's go to page 5. Do you see the</p> <p>4 highlighted portion?</p> <p>5 A. Yes.</p> <p>6 Q. I'm going to read that, and you're going to</p> <p>7 follow along with me. Okay? "I then walked into a room</p> <p>8 with Sergeant Carrio. At first glance it did not appear</p> <p>9 there were any casualties. To the left of the room as</p> <p>10 you walk in, there was a bathroom in the corner. There</p> <p>11 was a massive pileup of bodies in this room. At this</p> <p>12 time I did not know it was a bathroom and I wondered how</p> <p>13 the suspect had the time to kill that many people and</p> <p>14 stack them in the corner of the room. Sergeant Carrio</p> <p>15 stated he was an EMT or maybe a paramedic and that he</p> <p>16 had to check to see if anyone in the pile might have</p> <p>17 survived -- may have survived. I agreed as the bodies</p> <p>18 were stacked two and three high and that some of the</p> <p>19 children at the bottom, who were able to cram in first,</p> <p>20 may have escaped bullets.</p> <p>21 "He began to check for life signs,</p> <p>22 wounds, and attempts to find a pulse. The victims on</p> <p>23 the top of the pile" -- redacted -- "and many of the</p> <p>24 bodies had injuries that were obviously fatal. It</p> <p>25 appeared as if the teachers in the room immediately upon</p>

<p style="text-align: right;">50</p> <p>1 hearing gunshots began to pack children into the 2 bathroom. The children that were sitting on the floor 3 of the bathroom were packed in like sardines. One 4 little girl was sitting, crouched in between the toilet 5 seat and the back corner of the room. I thought that 6 she might have the best chance for survival. As 7 Sergeant Carrio got to the last bodies, it was clear 8 that no one had survived." 9 You've never heard of Sergeant Carrio, 10 have you? 11 A. I haven't. 12 Q. And you didn't know what he did in the 13 building that day? 14 MR. BARNES: Objection as to form for the 15 time. 16 Q. (BY MR. BANKSTON) You can answer. You didn't 17 know what he did in the building? 18 A. (No audible response.) 19 Q. Correct, Mr. Jones? 20 A. It's, again, over seven years. I don't 21 remember a lot of this stuff. 22 Q. Okay. So either you didn't know what he did 23 in the building, or you did know what he did in the 24 building. One of those two things has to be true, 25 right?</p>	<p style="text-align: right;">52</p> <p>1 that all the injured were out, and that numerous dead 2 persons remained in the school. Cassavechia said, 'You 3 know I've got to get into that building.' I realized at 4 some point those victims presumed dead would have to be 5 officially pronounced dead. We also needed to impact 6 the fewest number of EMS personnel that we needed 7 preserve the integrity of the scene. Looking around I 8 recognized two other senior paramedics that I believed 9 had the experience and training to handle the situation 10 tactically. I told Cassavechia I would bring myself 11 [sic], Paramedic Bernie Meehan, and Paramedic John Reed 12 into the front of the school, which was secured by that 13 point. They were told to bring minimal equipment. As 14 we walked to the school, I tried to prepare them for 15 what they were about to see. I told them the number of 16 the victims and the nature of the wounds. I told 17 Cassavechia, 'This will be the worst day of your life?'" 18 You have never heard of Matt Cassavechia, 19 Bernie Meehan, or John Reed, have you, Mr. Jones? 20 A. I mean, I just read their names. 21 Q. Prior to me putting that sheet of paper in 22 front of you, you've never heard of those gentlemen, 23 have you? 24 A. I can't say that. It's too much -- too much 25 information.</p>
<p style="text-align: right;">51</p> <p>1 A. I think I do know now. 2 Q. Sure. 3 A. It's just there's so much. It all becomes a 4 big paste. 5 Q. So we can agree that in 2017, when you raised 6 the question, "Why were no paramedics let in the 7 building," you either did know what Sergeant Carrio did 8 or you didn't know what Sergeant Carrio did. One of 9 those two things has to be true, obviously, right? 10 MR. BARNES: Objection as to form. 11 A. The tape was so edited, I don't remember. 12 (Exhibit 3 marked.) 13 Q (BY MR. BANKSTON) Okay. Let's look at 14 Exhibit 3. Do you want to pull Exhibit 3 for me? Can 15 you go to the final page, just flip it on its back, onto 16 the back. Do you see at the very bottom of the page, 17 the very bottom of the left corner it says 18 Sergeant William F. Carrio? 19 A. Yes. 20 Q. Okay. I'm going to read the highlighted part 21 to you. "Paramedic Matt Cassavechia approached me. I 22 had known Cassavechia for many years and recognized him 23 as the head of EMS for Danbury Hospital. Cassavechia 24 asked how long it would be until he could get into the 25 building. I told him the building was not yet secured,</p>	<p style="text-align: right;">53</p> <p>1 Q. In fact, it's possible when you said that 2 paramedics weren't let into the building, you knew those 3 three gentlemen and you knew they had been in the 4 building; that's possible, true? 5 A. I wouldn't consciously do that. 6 Q. If -- those reports sitting right there, if 7 those reports were available and online and had been 8 discussed by InfoWars as early as 2013, if that's 9 something that was public, you would agree with me that 10 saying no paramedics went into the building is reckless, 11 correct? 12 MR. BARNES: Objection as to form. 13 A. I just don't know what you're talking about 14 off a 3-second video and this. 15 Q. (BY MR. BANKSTON) You're not going to dispute 16 with me that you've repeatedly said on your television 17 show -- or your web broadcast that paramedics weren't 18 allowed in the building; you've said that over and over 19 and over, right, Mr. Jones? 20 MR. BARNES: Objection as to the form. 21 Q. (BY MR. BANKSTON) Right? 22 A. It's edited the way you -- what you've shown 23 me, so I can't comment. 24 Q. I'm not talking about what I -- what was on 25 the video. I'm not talking about that. Ignore what you</p>

<p>54</p> <p>1 just saw on the video. I'm asking you -- me and you</p> <p>2 right now -- you've said repeatedly on your web show</p> <p>3 paramedics weren't allowed inside of Sandy Hook? You've</p> <p>4 said that; you're not going to deny that?</p> <p>5 A. I've read other people's reports saying.</p> <p>6 Q. Okay. And you did nothing to confirm those</p> <p>7 reports, literally nothing?</p> <p>8 A. I went out and I covered news that was being</p> <p>9 covered.</p> <p>10 Q. How did you confirm the reports that you were</p> <p>11 given that paramedics weren't allowed in the building?</p> <p>12 How did you confirm --</p> <p>13 A. We generally go through the reports, and then</p> <p>14 we look at what they link to. And I don't have all the</p> <p>15 dates, but one report took over five years; another,</p> <p>16 three years; another, a year. And so it's all -- I</p> <p>17 mean, again, this has not been a large part of what I've</p> <p>18 covered. Sandy Hook has been a very -- not even one-</p> <p>19 tenth of 1 percent of what we cover and I know that you</p> <p>20 think that that's the case, but that's not the case.</p> <p>21 MR. BANKSTON: Objection to the</p> <p>22 nonresponsive portion.</p> <p>23 Q. (BY MR. BANKSTON) Hearing that your murdered</p> <p>24 child received no medical attention, that's obviously</p> <p>25 distressing?</p>	<p>56</p> <p>1 A. Those -- I mean, this is over -- that was</p> <p>2 seven years ago.</p> <p>3 Q. You know this is the one day you were to come</p> <p>4 down here and testify about Sandy Hook, and are you</p> <p>5 going to tell me you haven't done anything to try to</p> <p>6 figure out what happened in those seven years?</p> <p>7 MR. BARNES: Objection as to form.</p> <p>8 Q. (BY MR. BANKSTON) Is that what you're saying,</p> <p>9 you walked in here totally unprepared, just winging it</p> <p>10 today?</p> <p>11 MR. BARNES: Objection as to form.</p> <p>12 A. I don't know how to respond to that.</p> <p>13 Q. (BY MR. BANKSTON) Do you have the respect</p> <p>14 enough for these parents in this lawsuit to actually go</p> <p>15 back and try to find out what happened? Did you do</p> <p>16 that?</p> <p>17 MR. BARNES: Objection as to form.</p> <p>18 A. I covered it when it first happened. And you</p> <p>19 can look at six shows a week, three to four hours a day</p> <p>20 and find spots and edit them and things. It's the</p> <p>21 media's claim that my life is about Sandy Hook, and it's</p> <p>22 not even one of the major issues I've ever covered. And</p> <p>23 so you're asking me to do the impossible, to go back</p> <p>24 through a whole compendium and then give some</p> <p>25 quantifiable statement to you off 3-second edited</p>
<p>55</p> <p>1 MR. BARNES: Objection as to the form.</p> <p>2 Q. (BY MR. BANKSTON) Right, Mr. Jones?</p> <p>3 A. (No audible response.)</p> <p>4 Q. Can you -- let's do it this way --</p> <p>5 Withdraw the question.</p> <p>6 Can you imagine a universe where hearing</p> <p>7 that your murdered child received no medical attention</p> <p>8 is not distressing?</p> <p>9 MR. BARNES: Objection as to the form.</p> <p>10 A. I think there were even lawsuits by the</p> <p>11 parents saying things weren't done right sometimes, and</p> <p>12 that's a terrible thing.</p> <p>13 Q. (BY MR. BANKSTON) That's not my question,</p> <p>14 though, is it, Mr. Jones?</p> <p>15 A. Oh.</p> <p>16 Q. Is it? That's not my question.</p> <p>17 So my question is: If you heard your</p> <p>18 murdered child received no medical care, that's</p> <p>19 distressing?</p> <p>20 MR. BARNES: Objection as to form.</p> <p>21 A. It is distressing. That's why I was</p> <p>22 distressed just in general hearing those reports.</p> <p>23 Q. (BY MR. BANKSTON) Wait. When you say you</p> <p>24 were distressed hearing those reports, what reports are</p> <p>25 you talking about? What reports?</p>	<p>57</p> <p>1 videos. It's like -- it's square pegs in round holes.</p> <p>2 MR. BANKSTON: Objection to the</p> <p>3 nonresponsive portion.</p> <p>4 Q. (BY MR. BANKSTON) I want to talk to you about</p> <p>5 death certificates. I want to play you a clip of</p> <p>6 something you and Mr. Dew said February 12th, 2015 and</p> <p>7 November 18, 2016.</p> <p>8 MR. BANKSTON: Can you play School and</p> <p>9 Death Certificates for me?</p> <p>10 (Video playing.)</p> <p>11 Q (BY MR. BANKSTON) What did you do to confirm</p> <p>12 that?</p> <p>13 MR. BARNES: Objection as to form.</p> <p>14 A. Again, these are highly edited, spliced tapes.</p> <p>15 The audio's been altered. I don't even know what</p> <p>16 context this is in.</p> <p>17 Q. (BY MR. BANKSTON) Sir, the context is Sandy</p> <p>18 Hook death certificates are sealed; and you said that.</p> <p>19 What did you do to confirm it, Mr. Jones?</p> <p>20 MR. BARNES: Objection as to form. It</p> <p>21 misstates the evidence.</p> <p>22 MR. BANKSTON: You don't have to do</p> <p>23 speaking objections, Mr. Barnes.</p> <p>24 MR. BARNES: This is one of the worst</p> <p>25 depositions I've ever witnessed.</p>

<p style="text-align: right;">58</p> <p>1 MR. BANKSTON: That's fine. You can make 2 your objections. Go make all the objections you want, 3 but make them in accordance with the Texas Rules which 4 you agreed to be bound with before you -- 5 MR. BARNES: I am. Okay. Fine, fine. 6 Q. (BY MR. BANKSTON) Mr. Jones, sealing the 7 death certificates, the fact that they were sealed, 8 something you and Mr. Dew both said, how did you confirm 9 that? 10 MR. BARNES: Objection as to form. 11 A. I don't want to answer these things 12 incorrectly. So my memory is -- I remember that this 13 thing was the most sealed case ever and that it was in 14 the news, that there were all these lawsuits about 15 unsealing things and that the records and the redacted 16 police reports -- like what you gave me is almost all 17 blacked out -- this is what people were talking about. 18 And so I can't accurately answer off of edited tapes. 19 I've never seen anything like that. So I'm trying to 20 answer your questions. 21 Q. You never -- have you ever tried to order a 22 death certificate? They're \$20. Anybody can get any 23 one of them. Did you ever try? 24 A. As I told you, we went off news reports and 25 other people that were investigating. We did not</p>	<p style="text-align: right;">60</p> <p>1 Q. (BY MR. BANKSTON) That's consistent with what 2 we were just talking about, right -- 3 MR. BARNES: Objection -- 4 Q. -- Port-A-Potties showing up an hour before a 5 big media event? 6 MR. BARNES: Objection as to form. 7 Q. (BY MR. BANKSTON) Correct, Mr. Jones? 8 A. Yes. I mean, I did talk about that on some of 9 your edited tape. I don't know the context. 10 Q. Sure. 11 (Exhibit 4 marked.) 12 Q. (BY MR. BANKSTON) Mr. Jones, I'm going to 13 hand you a copy of what I have marked as Exhibit 4. 14 Have you ever seen that before? 15 A. I don't remember. 16 Q. You're not sure if you've seen this before? 17 A. No. 18 Q. Okay. You'll see at the top it has a time 19 stamp 12-14-12? 20 A. Yes. 21 Q. You know that's the date of Sandy Hook, right? 22 A. I don't know. 23 Q. You don't know that? 24 A. Was that the day? 25 Q. It is.</p>
<p style="text-align: right;">59</p> <p>1 ourselves investigate Sandy Hook. 2 Q. Thank you, Mr. Jones. 3 I want to talk to you about something you 4 said about Port-A-Potties. You know what I'm talking 5 about when I talk about Port-A-Potties, right? 6 Port-A-Potties showed up to Sandy Hook? 7 A. Port-A-Potties? 8 Q. Yeah. Do you know what I'm talking about when 9 I say that allegation, when you talked about on your 10 show Port-A-Potties showing up to Sandy Hook? Do you 11 remember talking about Port-A-Potties? 12 A. I do remember talking about them. 13 Q. Okay. And you remember how your point was 14 they showed up within an hour for a big media event, 15 showed that it was clearly -- something's going on 16 because they showed up way too quick? 17 MR. BARNES: Objection as to form. 18 Q. (BY MR. BANKSTON) Correct? 19 A. I was reporting on what other people had 20 reported. 21 Q. Okay. Let me play you a clip of something 22 that you said on July 7th, 2015 and April 22nd, 2017. 23 MR. BANKSTON: Could you play 24 Port-A-Potties for me? 25 (Video playing.)</p>	<p style="text-align: right;">61</p> <p>1 A. Okay. 2 Q. It is, Mr. Jones. 3 We had talked earlier about the dash cam 4 videos and the official report and if there's police 5 cars sitting out in front of Sandy Hook with their dash 6 cams on, it would be a pretty simple matter of just 7 going to video and scrolling through to see when various 8 stuff arrives. That's something you can do, right? 9 A. I would imagine, yeah. 10 Q. Yeah. InfoWars didn't do that, did they? 11 A. I can't say that. I don't know what we did. 12 Q. Okay. Well, if InfoWars did do that, they 13 would have come across this picture of Port-A-Potties 14 showing up at 1:30 p.m., right? That's what that time 15 is right there? Are you familiar with military time? 16 A. Uh-huh. 17 Q. Okay. And that's 1:30, right? 18 A. Uh-huh. 19 Q. Right. So that's not an hour after the 20 shooting, is it, Mr. Jones? Correct? 21 A. It's pretty darn soon after. 22 Q. Is it? Is it maybe more like four hours 23 after? 24 A. Again, I was going off of what I believed to 25 be -- and he was -- an accredited national school</p>

<p style="text-align: right;">62</p> <p>1 safety person who'd been on national television programs</p> <p>2 as an expert. I was going off what Halbig was saying.</p> <p>3 Q. You did no confirmation whatsoever of</p> <p>4 Mr. Halbig's statements about the Port-A-Potties, did</p> <p>5 you?</p> <p>6 A. I don't believe these videos --</p> <p>7 MR. BARNES: Objection as to form.</p> <p>8 A. -- were released for a long time.</p> <p>9 Q. (BY MR. BANKSTON) If they were, if those</p> <p>10 videos were released in 2013, it certainly would have</p> <p>11 been reckless to say the Port-A-Potties arrived in an</p> <p>12 hour in 2017, wouldn't it, Mr. Jones?</p> <p>13 MR. BARNES: Objection as to form.</p> <p>14 A. I just don't know how to respond to the fact</p> <p>15 that -- that how do we know more weren't arriving later</p> <p>16 and that there's other Port-A-Potties or whatever? I'm</p> <p>17 not saying that's what happened. You just showed me one</p> <p>18 still off something and tell me to answer questions.</p> <p>19 Q. (BY MR. BANKSTON) Yeah. So one thing you</p> <p>20 could do is go back into the dash cam video and scroll</p> <p>21 through and find out if something did arrive earlier?</p> <p>22 That's something you could do, right?</p> <p>23 MR. BARNES: Objection as to form.</p> <p>24 Q. (BY MR. BANKSTON) It's not hidden</p> <p>25 information, right?</p>	<p style="text-align: right;">64</p> <p>1 and you said to your audience that there was an e-mail</p> <p>2 that came out in the lawsuit where Bloomberg told his</p> <p>3 people: Get ready in the next 24 hours to capitalize on</p> <p>4 a mass shooting.</p> <p>5 That didn't happen; that's not a real</p> <p>6 e-mail, is it?</p> <p>7 MR. BARNES: Objection as to form.</p> <p>8 A. I mean, I don't think it's exactly that; but</p> <p>9 there's one similar to that.</p> <p>10 Q (BY MR. BANKSTON) Yeah. I mean, what you</p> <p>11 said is not real?</p> <p>12 MR. BARNES: Objection as to form.</p> <p>13 Q. (BY MR. BANKSTON) Bloomberg never told his</p> <p>14 people: Get ready in the next 24 hours to capitalize on</p> <p>15 a mass shooting; that did not happen?</p> <p>16 MR. BARNES: Objection as to form.</p> <p>17 A. What does his gun organization do?</p> <p>18 MR. BANKSTON: Okay, Mr. Jones.</p> <p>19 THE REPORTER: I'm sorry. Could you</p> <p>20 repeat the answer?</p> <p>21 THE WITNESS: I believe his anti-gun</p> <p>22 organization said: Get ready. Get ready to move quick,</p> <p>23 you know. I don't have it in front of me. It's from</p> <p>24 years ago.</p> <p>25 Q (BY MR. BANKSTON) Let's -- I want to ask you</p>
<p style="text-align: right;">63</p> <p>1 MR. BARNES: Objection as to form.</p> <p>2 Q. (BY MR. BANKSTON) Correct?</p> <p>3 A. I guess correct.</p> <p>4 Q. Okay. Thank you, Mr. Jones.</p> <p>5 Mr. Jones, I've noticed on a lot of these</p> <p>6 answers you've said, "Well, I'm just going off what</p> <p>7 Mr. Halbig said." So what I want to know is: When you</p> <p>8 talked earlier about you did deep research, what was</p> <p>9 that? What deep research did you do?</p> <p>10 A. Well, I mean, I did look at the news articles</p> <p>11 saying they were being very secretive about the case,</p> <p>12 that a lot of things were sealed, which is unusual.</p> <p>13 There were lawsuits involved with that, and I did do</p> <p>14 research on Bloomberg putting out an e-mail the day</p> <p>15 before saying, "Get ready. There's going to be a big</p> <p>16 event," you know, just straight up, people waiting</p> <p>17 around for mass shootings or whatever. And just the way</p> <p>18 the media made a spectacle out of it right away is what</p> <p>19 really made me question. That scene like with the WMDs</p> <p>20 or babies in the incubators, I just saw the media so on</p> <p>21 it, so ready; and I thought that added credibility to</p> <p>22 it.</p> <p>23 Q. Okay. I mean, I'm glad you brought up the</p> <p>24 Bloomberg thing. I remember there was a couple of</p> <p>25 episodes where you talked about this Bloomberg e-mail</p>	<p style="text-align: right;">65</p> <p>1 about photos of the children, so I'm going to play you a</p> <p>2 video clip of something you said about the photos of the</p> <p>3 children. This is something you said on September 25th,</p> <p>4 2014.</p> <p>5 MR. BANKSTON: Can you play Photos of</p> <p>6 Children?</p> <p>7 (Video playing.)</p> <p>8 Q. (BY MR. BANKSTON) Mr. Jones, you can admit</p> <p>9 that that statement was absolutely nonsense; there are</p> <p>10 not photos of children who died who are actually still</p> <p>11 alive?</p> <p>12 A. That is and out-of-context clip. I can't even</p> <p>13 respond to something like that.</p> <p>14 Q. You said it, though, didn't you?</p> <p>15 A. I don't know what it's in context with.</p> <p>16 Q. Is there a good context to that, Mr. Jones,</p> <p>17 that people's children who are dead, there's actually</p> <p>18 photos of them still alive? Can you give me the good</p> <p>19 context?</p> <p>20 A. There is no way --</p> <p>21 MR. BARNES: Objection as to form.</p> <p>22 A. There's no way to respond to -- I mean, I</p> <p>23 don't know what it is.</p> <p>24 Q. (BY MR. BANKSTON) I know what it is. It's a</p> <p>25 video of you saying that there are photos of children</p>

<p style="text-align: right;">66</p> <p>1 who died who are still alive. And I'm asking you:</p> <p>2 That's absolute nonsense, isn't it, Mr. Jones?</p> <p>3 MR. BARNES: Objection as to form.</p> <p>4 A. No, it's -- no, it's not. I don't know the</p> <p>5 context of that video.</p> <p>6 Q. (BY MR. BANKSTON) Okay.</p> <p>7 A. Okay? There have been cases where the</p> <p>8 Associated Press major groups ran pictures of Sandy</p> <p>9 Hook children in Pakistan after a mass bombing; and in</p> <p>10 the lineup of dead kids -- or parents about their dead</p> <p>11 kids -- because I believe a bombing happened in</p> <p>12 Pakistan -- bizarrely, they've got a Sandy Hook kid in</p> <p>13 there, admitted. And then we've seen other cases. It's</p> <p>14 very bizarre and that's where people call in and ask and</p> <p>15 then I respond to it. And I don't know if that's even</p> <p>16 that clip because it's a couple of seconds long.</p> <p>17 Q. Yeah, well, clearly, it's not the kid in</p> <p>18 Pakistan because that's not a kid who's still alive,</p> <p>19 right? When Noah Pozner's picture appeared in Pakistan,</p> <p>20 that's not Noah Pozner's still alive, right?</p> <p>21 MR. BARNES: Objection as to form.</p> <p>22 Q. (BY MR. BANKSTON) Correct?</p> <p>23 A. I wasn't saying Noah Pozner's still alive.</p> <p>24 Q. Okay. It was widely reported during your</p> <p>25 divorce that your attorney said to the judge that you're</p>	<p style="text-align: right;">68</p> <p>1 A. And so I wore a lizard mask. They also tried</p> <p>2 to introduce that. And we explained that, "No, your</p> <p>3 Honor" -- the judge agreed, yes, we understand satire</p> <p>4 versus reality.</p> <p>5 So, no, I was -- I believe what I say on</p> <p>6 air. Now, when I cover what somebody else is covering</p> <p>7 or I have a war game, I look on both sides of something,</p> <p>8 that doesn't mean that I believe in both sides of what</p> <p>9 I'm covering. It means I'm looking at the different</p> <p>10 angles, and then that's taken out of context.</p> <p>11 Q. Well, what I'm getting at is: This stuff</p> <p>12 we're looking at today, kids going in circles, the</p> <p>13 school was closed, e-mails, EMTs not in the building,</p> <p>14 Port-A-Potties, these aren't comedy skits; this is</p> <p>15 journalism?</p> <p>16 A. Yes -- well, this is punditry because I wear a</p> <p>17 journalist hat, a punditry hat, satire hat, you know,</p> <p>18 just reading news. I mean, just being a news reader, I</p> <p>19 mean, I do that as well. So I do a lot of things; but</p> <p>20 when I was covering Sandy Hook, I was genuinely trying</p> <p>21 to get to the truth of it.</p> <p>22 Q. Okay. At InfoWars it was known from the very</p> <p>23 start that parents were being harassed by believers in</p> <p>24 the Sandy Hook Conspiracy? You would agree to that,</p> <p>25 right?</p>
<p style="text-align: right;">67</p> <p>1 playing a character, that you're a performance artist.</p> <p>2 So I want to ask you -- I want to know: When you were</p> <p>3 making these claims about Sandy Hook, were you being a</p> <p>4 journalist; or was this all performance art?</p> <p>5 MR. BARNES: Objection as to form.</p> <p>6 A. When I say things on air, I believe it. I</p> <p>7 had -- when I made a radio talk show host. That was my</p> <p>8 ex-wife trying to enter into evidence, like ten years</p> <p>9 ago, me in a Joker outfit doing a satire piece about</p> <p>10 chemicals in the water; and she was trying to say that I</p> <p>11 was crazy and was really the Joker.</p> <p>12 And we said, "No. When Jack Nicholson</p> <p>13 plays the Joker, your Honor, he's not really the Joker.</p> <p>14 He's playing a part."</p> <p>15 And then the media ran with it, saying</p> <p>16 that I said that what I regularly do on air is</p> <p>17 entertainment.</p> <p>18 So it's very clear when I'm being serious</p> <p>19 on air; and it's very clear if I'm wearing a Gorn mask,</p> <p>20 you know, and reenacting Star Trek as a joke, that I'm</p> <p>21 not literally believing that the Gorn's a real lizard</p> <p>22 creature. I was making fun of the media in that case</p> <p>23 for saying that -- you know, saying that I believe the</p> <p>24 Government's talking about lizards. That's on me.</p> <p>25 Q. Sure.</p>	<p style="text-align: right;">69</p> <p>1 A. No.</p> <p>2 MR. BARNES: Objection as to form.</p> <p>3 Q. (BY MR. BANKSTON) Well, you would also at</p> <p>4 least agree that -- because of the potential for that</p> <p>5 harassment, you would agree with me that InfoWars needed</p> <p>6 to treat Sandy Hook allegations with extreme caution,</p> <p>7 given it was a traumatic event; you'd agree with that?</p> <p>8 MR. BARNES: Objection as to form.</p> <p>9 A. I mean, I think it's the American birthright</p> <p>10 and it's important when you have big events, whether</p> <p>11 they're wars or WMDs or mass shootings, that -- I mean,</p> <p>12 I think the right to question is an absolute right.</p> <p>13 Just like the Jussie Smollett situation,</p> <p>14 I took a risk saying I thought that was fake and I was</p> <p>15 the first person to question it and I was proven right.</p> <p>16 So I just really -- I questioned Jussie Smollett from a</p> <p>17 position of looking at the facts; and if I had been</p> <p>18 proven wrong, then I would have, you know, apologized</p> <p>19 for it. I mean, that's what I do.</p> <p>20 Q. (BY MR. BANKSTON) Okay. But with Sandy Hook,</p> <p>21 not with Jussie Smollett, with Sandy Hook, you would</p> <p>22 agree with me you were under an obligation, InfoWars,</p> <p>23 you needed to treat this with extreme caution --</p> <p>24 MR. BARNES: Objection --</p> <p>25 Q. (BY MR. BANKSTON) -- agreed or not agreed?</p>

<p style="text-align: right;">70</p> <p>1 MR. BARNES: Objection as to form.</p> <p>2 A. Well, I mean, we always covered things from</p> <p>3 the perspective of caution. We were covering other</p> <p>4 people's reports and also questioning the historical</p> <p>5 fact that, you know, things like Operation Northwoods,</p> <p>6 the Government planned to stage mass shootings in the</p> <p>7 U.S.; but Kennedy said no to the plan. But the Chairman</p> <p>8 of the Joint Chiefs had green-lighted it. And so</p> <p>9 because of things like that, we are forced to then</p> <p>10 question these events. And I think that's -- you know,</p> <p>11 it's just part of the process in this country.</p> <p>12 Q. (BY MR. BANKSTON) Okay. So that's part of</p> <p>13 the process; and to be fair to you, InfoWars didn't know</p> <p>14 from the very start that Sandy Hook parents were being</p> <p>15 harassed?</p> <p>16 A. No, we didn't know, not from the very start.</p> <p>17 MR. BANKSTON: Can you --</p> <p>18 Q. (BY MR. BANKSTON) I want to play something --</p> <p>19 I want to play a clip from the InfoWars episode on</p> <p>20 January 18, 2013. Okay?</p> <p>21 MR. BANKSTON: Can you play the clip</p> <p>22 Extreme Caution?</p> <p>23 (Video playing.)</p> <p>24 Q (BY MR. BANKSTON) That clip is Mr. Paul</p> <p>25 Watson, who is your chief reporter at InfoWars, right?</p>	<p style="text-align: right;">72</p> <p>1 A. It's not in context. I can't answer that.</p> <p>2 Q (BY MR. BANKSTON) Okay. I want to play you</p> <p>3 some comments you made about Mr. Watson. I want to</p> <p>4 show you something you said about Mr. Watson on</p> <p>5 February 12th, 2015 and on April 20th, 2018, the day</p> <p>6 after you were sued.</p> <p>7 MR. BANKSTON: Can you play the clip for</p> <p>8 me Jones Comments on Mr. Watson?</p> <p>9 (Video playing.)</p> <p>10 Q (BY MR. BANKSTON) So your chief reporter was</p> <p>11 right when he was warning you not to say it was phony or</p> <p>12 there were crisis actors?</p> <p>13 MR. BARNES: Objection as to form.</p> <p>14 A. He was not the chief reporter then.</p> <p>15 Q. (BY MR. BANKSTON) When did he become chief</p> <p>16 reporter?</p> <p>17 A. About five years ago -- well, about six --</p> <p>18 well, about five years ago.</p> <p>19 Q. Five years ago, 2014?</p> <p>20 A. I'd have to look it up.</p> <p>21 Q. Okay. So at the time you were saying that</p> <p>22 clip in 2015, when you said, "He's my chief reporter,"</p> <p>23 that's when he became your chief reporter?</p> <p>24 A. And I said his instincts are right. So you</p> <p>25 played, finally, one clip where I'm saying it happened</p>
<p style="text-align: right;">71</p> <p>1 A. He is now.</p> <p>2 Q. And he frequently warned you about what you</p> <p>3 were saying about Sandy Hook?</p> <p>4 A. Well, I mean, we had discussions about it,</p> <p>5 yes. We're not running a cult. We have different</p> <p>6 views.</p> <p>7 Q. Right. For instance, one of the gentlemen in</p> <p>8 the room with us right now, Rob Dew, Mr. Watson</p> <p>9 disagreed with Mr. Dew and said, "Mr. Dew's wrong, and</p> <p>10 you need to stop this, Mr. Jones"? That's what</p> <p>11 Mr. Watson told you?</p> <p>12 MR. BARNES: Objection as to form.</p> <p>13 Q. (BY MR. BANKSTON) Correct?</p> <p>14 A. That there were external and internal debates,</p> <p>15 as you just saw. We've looked it up. It's 90-something</p> <p>16 percent of my reporting saying that it happened, even</p> <p>17 going back with -- I don't do this anymore because</p> <p>18 people can edit stuff -- but we would go on air and say:</p> <p>19 Real shootings happen, you know, the black trench coat,</p> <p>20 on the drugs, all the regular things we see in mass</p> <p>21 shootings. And then we would have the other side of</p> <p>22 that because the Internet didn't believe it happened.</p> <p>23 Q. Let me put it this way: Mr. Watson was right;</p> <p>24 Mr. Dew was wrong, correct?</p> <p>25 MR. BARNES: Objection as to form.</p>	<p style="text-align: right;">73</p> <p>1 instead of editing clips.</p> <p>2 Q. Well, no, I was actually talking about the one</p> <p>3 before, on February 12th, 2015, you called him your</p> <p>4 chief reporter.</p> <p>5 A. I think I said by then he was.</p> <p>6 Q. Okay. Over the years there's been some</p> <p>7 tension between you and the parents after they started</p> <p>8 complaining about what you were doing, correct?</p> <p>9 MR. BARNES: Objection as to form.</p> <p>10 MR. BANKSTON: What's your basis on that</p> <p>11 one?</p> <p>12 MR. BARNES: It's --</p> <p>13 MR. BANKSTON: A legal objection, not a</p> <p>14 speaking objection, a legal. What's your legal basis</p> <p>15 for that one?</p> <p>16 MR. BARNES: Okay. Well, explain the</p> <p>17 legal -- it's time, date, context, definitions.</p> <p>18 MR. BANKSTON: Those aren't legal</p> <p>19 objections, Mr. Barnes.</p> <p>20 MR. BARNES: Yes, they are because if the</p> <p>21 form of the objection [sic] is misleading or leading in</p> <p>22 the nature in which it --</p> <p>23 MR. BANKSTON: I'm allowed to lead the</p> <p>24 witness; he's adverse to me.</p> <p>25 MR. BARNES: You are; but if I say -- if</p>

<p style="text-align: right;">74</p> <p>1 I don't give you context of time and date...</p> <p>2 MR. BANKSTON: No, that's fine. It's not</p> <p>3 an objection. It's baseless.</p> <p>4 MR. BARNES: Oh, yes, it is. It's a</p> <p>5 basic objection. It's Lawyering 101 on how to ask</p> <p>6 questions. I mean, come on.</p> <p>7 MR. BANKSTON: Okay.</p> <p>8 MR. BARNES: It would be easier for you</p> <p>9 and for everybody if it was --</p> <p>10 MR. BANKSTON: Have you got a rule of</p> <p>11 evidence for me, maybe?</p> <p>12 MR. BARNES: Oh, sure. It gives</p> <p>13 specificity as to both date and time so that the person</p> <p>14 can answer the question meaningfully. When you say --</p> <p>15 MR. BANKSTON: So is that 403?</p> <p>16 MR. BARNES: That could be.</p> <p>17 MR. BANKSTON: That's not to form.</p> <p>18 That's not -- you don't have to object to that. It's</p> <p>19 preserved, Mr. Barnes.</p> <p>20 Q (BY MR. BANKSTON) Let's talk about this</p> <p>21 question: Over the years there started to develop</p> <p>22 tension between you and the Sandy Hook parents after</p> <p>23 they started complaining about what you were doing,</p> <p>24 correct?</p> <p>25 A. No.</p>	<p style="text-align: right;">76</p> <p>1 from March 14th, 2014.</p> <p>2 MR. BANKSTON: Can you play me the clip</p> <p>3 called Actors?</p> <p>4 (Video playing.)</p> <p>5 Q (BY MR. BANKSTON) Who were the actors playing</p> <p>6 the different -- what are the different people where the</p> <p>7 same actor was playing different parts?</p> <p>8 A. I'd have to see the context.</p> <p>9 Q. But that was something you believed that was</p> <p>10 true?</p> <p>11 A. From an edited tape I don't know what the</p> <p>12 context is.</p> <p>13 Q. Well, I mean, look, Mr. Jones, you can see</p> <p>14 you say "actors" enough times that you and I can both</p> <p>15 admit -- you can just admit right now there have been</p> <p>16 multiple, repeated times where you have accused some of</p> <p>17 the parents of being actors?</p> <p>18 MR. BARNES: Objection as to form.</p> <p>19 Q. (BY MR. BANKSTON) Right?</p> <p>20 A. No, I never -- I covered the Internet, talking</p> <p>21 about how people looked like actors. This is edited. I</p> <p>22 can't comment on it.</p> <p>23 Q Okay. So let me understand this, Mr. Jones:</p> <p>24 Unless we play you a full four-hour InfoWars clip, you</p> <p>25 just can't answer questions today, can you?</p>
<p style="text-align: right;">75</p> <p>1 Q. Okay. No tension.</p> <p>2 You will admit, I mean, you've done</p> <p>3 mocking imitations of Sandy Hook parents crying,</p> <p>4 correct?</p> <p>5 A. No.</p> <p>6 Q. I want to play you a video clip -- two, from</p> <p>7 September 24th, 2014 and November 11th, 2016.</p> <p>8 MR. BANKSTON: Will you play the video</p> <p>9 clip called Crying?</p> <p>10 (Video playing.)</p> <p>11 Q (BY MR. BANKSTON) You realize now you were</p> <p>12 mocking the difficult emotional reactions of people who</p> <p>13 provably lost their children?</p> <p>14 A. No, I was not mocking. I was showing what</p> <p>15 people were questioning. It was not to mock the</p> <p>16 parents. It was showing why people were questioning.</p> <p>17 It's you that is projecting mocking onto it. I was</p> <p>18 showing what he did.</p> <p>19 Q. When you did this stuff about the crying and</p> <p>20 your imitations, this was all in service of an argument</p> <p>21 that some of these parents were actors, right?</p> <p>22 MR. BARNES: Objection as to form.</p> <p>23 A. No.</p> <p>24 MR. BANKSTON: Can you play me --</p> <p>25 Q (BY MR. BANKSTON) I want to play you a clip</p>	<p style="text-align: right;">77</p> <p>1 A. It's not a four-hour clip. It's that these</p> <p>2 were maybe a-minute-long clips, not -- five seconds, two</p> <p>3 seconds.</p> <p>4 Q. Well, you're telling your audience there:</p> <p>5 We've clearly got people where it's actors playing</p> <p>6 different parts of different people. So you were pretty</p> <p>7 certain, weren't you?</p> <p>8 A. I have -- because of all the strange things</p> <p>9 we've seen, there have been points in my mind where I've</p> <p>10 gone back and forth in the earlier years, you know,</p> <p>11 really thinking maybe the whole thing has been staged;</p> <p>12 and then later, I realized it was just mainly media</p> <p>13 hyping it and then trying to choreograph, you know,</p> <p>14 turning it into a political situation after the case.</p> <p>15 Q. Okay. Well, regardless of whatever that was,</p> <p>16 this thing we just saw you say about actors, the mocking</p> <p>17 imitations of crying, this is exactly the stuff that</p> <p>18 Paul Joseph Watson was warning you about, correct?</p> <p>19 A. No. He was saying that some of the people</p> <p>20 that were out there putting stuff out, like Fetzer and</p> <p>21 others in that, were not good.</p> <p>22 Q. Yeah. He was really opposed to the crisis</p> <p>23 actor angle, correct?</p> <p>24 MR. BARNES: Objection as to form.</p> <p>25 Q. (BY MR. BANKSTON) And If I get -- Mr. Jones,</p>

<p>78</p> <p>1 if I get Paul Watson here to testify, he's going to tell 2 me he never believed in the crisis actor thing and 3 thought it was a bad idea to talk about crisis actors. 4 That's what he's going, isn't he? 5 MR. BARNES: Objection as to form. 6 A. Yeah, because, I mean, he legitimately is his 7 own person; and we don't tell people what to say or what 8 to do. I respect him, and we have different points of 9 view. We've had debates about Sandy Hook on air. 10 Q. (BY MR. BANKSTON) You have different views 11 about journalistic ethics, too? 12 A. Well, I mean, when there's a big Internet 13 debate that's going on and we cover that debate, I give 14 my opinion on it. That's what happens. 15 Q. Okay. As time went on, starting into 2015, 16 you learned that a Sandy Hook parent named Leonard 17 Pozner was behind a group called HONR Network, correct, 18 that was fighting online abuse of Sandy Hook victims? 19 A. I did, I think. 20 Q. And when you learned that and when HONR 21 complained to YouTube in 2015, you told your viewers 22 that HONR was run by Mr. Pozner. You showed addresses 23 being used by Mr. Pozner; and you said he needed to be 24 investigated, in Florida. Didn't you say that? 25 MR. BARNES: Objection as to form.</p>	<p>80</p> <p>1 Q. Correct, that Mr. Pozner was running, as an 2 anonymous front, the HONR Network to help make 3 complaints against various sites so that individual 4 parents wouldn't be the subject of retribution. Yeah, 5 that's what I'm asking you if you knew. 6 A. No, I was not aware of that. We were -- I 7 believe, from memory, Dew was covering a news article 8 about how the -- but then that's been conflated by you 9 guys, sneaking into people's houses or putting out their 10 addresses to go after them; and we never did that. 11 Q. So InfoWars -- well, if it happened that 12 InfoWars went and searched and dug through records for 13 private business filings and used DMCA reports that it 14 had gotten to suss out that Mr. Pozner was the head of 15 HONR and then reported it to its audience, that wouldn't 16 be a good thing if that happened, right? 17 MR. BARNES: Objection as to form. 18 A. Well, I don't have any knowledge of what 19 you're talking about there. 20 Q. (BY MR. BANKSTON) I'm just saying: If it 21 happened hypothetically -- if, hypothetically, InfoWars 22 went to some lengths to unmask a person who was running 23 a charity that was trying to stop people from being 24 abused and then disclosed that to its audience with 25 maps, that wouldn't be a good thing?</p>
<p>79</p> <p>1 A. No. 2 Q. (BY MR. BANKSTON) Okay. Let's play a clip 3 here. I'm going to show you something that you and 4 Mr. Dew were talking about on February 12th, 2015. 5 MR. BANKSTON: Can you play Addresses for 6 me? 7 (Video playing.) 8 Q (BY MR. BANKSTON) If a person were to stake 9 out those addresses, they could wait for Mr. Pozner to 10 come pick up his mail, couldn't they? 11 MR. BARNES: Objection as to form. 12 Q. (BY MR. BANKSTON) True? 13 A. I mean, the guy's running an anti-free speech 14 foundation. 15 Q. And you're the one who outed him as doing 16 that, right? There's nothing on the HONR Network 17 website that said Mr. Pozner was running it; you outed 18 him. 19 MR. BARNES: Objection as to form. 20 A. I believe he was public on that. 21 Q. (BY MR. BANKSTON) Do you? You don't think 22 that InfoWars was the first one to break that in an 23 article? You don't think that? 24 A. That he was running a site, trying to get 25 people's websites and things taken down?</p>	<p>81</p> <p>1 A. That's, from my memory, not what happened. I 2 can't comment on hypotheticals. 3 Q. So if I was to say to you if somebody was to 4 come along and strike your hand with a hammer, would it 5 hurt, you can't answer that question? 6 MR. BARNES: Objection as to -- 7 A. I'm not striking anybody with hammers. 8 Q. (BY MR. BANKSTON) If I asked you: If I gave 9 you a big bowl of chili, might it affect your memory, 10 you can't answer that; that's hypothetical? Correct? 11 You're just not going to answer those kind of questions? 12 A. (No audible response.) 13 Q. I'll take it that's a no. Let's move on. 14 MR. BARNES: I'll take it that was a 15 question? Is that a question? That's a comment; that's 16 not a question. This is becoming one of the most 17 harassing -- this is for TV and for PR, not for a 18 legitimate suit. That's what this is. That's all this 19 is. You want to put it on TV. That's all -- and this 20 is just a show, and it's a bad show at that. It's a 21 show of how-not-to-be-a-lawyer-in-deposition-of-a-case 22 show. 23 I mean, if you want to be fair and you 24 want to ask real questions, go ahead; but don't make 25 comments and then try to reinterpret those comments as a</p>

<p style="text-align: right;">82</p> <p>1 question and then try to put words in the mouth of the</p> <p>2 witness. I mean, a first year law student should know</p> <p>3 that.</p> <p>4 MR. BANKSTON: What was your objection?</p> <p>5 MR. BARNES: The objection was to your</p> <p>6 comment saying that there was an answer; and my point</p> <p>7 was you didn't ask a question so there couldn't have</p> <p>8 been an answer. And I was objecting for the record</p> <p>9 purposes that no answer had been given to a question</p> <p>10 that had not been asked.</p> <p>11 MR. BANKSTON: Do you maybe want to take</p> <p>12 a break so we can have a few breaths?</p> <p>13 MR. BARNES: Yes.</p> <p>14 MR. BANKSTON: Yeah, you might need to do</p> <p>15 that.</p> <p>16 MR. BARNES: Yeah, absolutely. And maybe</p> <p>17 you can go back and read how to ask people questions.</p> <p>18 MR. BANKSTON: We're off the record.</p> <p>19 THE VIDEOGRAPHER: Off the record</p> <p>20 1:34 p.m.</p> <p>21 (Off the record from 1:34 to 1:48 p.m.)</p> <p>22 THE VIDEOGRAPHER: We are back on the</p> <p>23 record at 1:48 p.m.</p> <p>24 Q (BY MR. BANKSTON) Mr. Jones, I want to talk a</p> <p>25 little bit more about that episode on February 12, 2015,</p>	<p style="text-align: right;">84</p> <p>1 Q. Okay. That's Mr. Bidondi?</p> <p>2 A. Yes.</p> <p>3 Q. I want to play you a clip of Mr. Bidondi in</p> <p>4 Newtown. This is from June 8th, 2015.</p> <p>5 MR. BANKSTON: Can you play the clip of</p> <p>6 Bidondi?</p> <p>7 (Video playing.)</p> <p>8 Q (BY MR. BANKSTON) And, Mr. Jones, those are</p> <p>9 hardly the only people that Mr. Bidondi harassed on his</p> <p>10 multiple trips to Newtown, correct?</p> <p>11 MR. BARNES: Objection as to form.</p> <p>12 Q. (BY MR. BANKSTON) Correct?</p> <p>13 A. I mean, almost everything you said is not</p> <p>14 true. So there's no way to respond to it. No, not</p> <p>15 correct.</p> <p>16 Q. Okay. That was Mr. Bidondi calling people who</p> <p>17 were involved in Sandy Hook crooked, corrupt, piece-</p> <p>18 of-shit motherfuckers, right? That's what we just saw?</p> <p>19 MR. BARNES: Objection as to form.</p> <p>20 Q. (BY MR. BANKSTON) That's what we saw on the</p> <p>21 video, Mr. Jones, correct?</p> <p>22 A. I didn't quite hear all of it.</p> <p>23 Q. Okay. I want to show you something you said</p> <p>24 after Mr. Bidondi went to Sandy Hook about the school</p> <p>25 itself; and I'm going to show you a clip from July 7th,</p>
<p style="text-align: right;">83</p> <p>1 the one we had looked at with the maps; and I want to</p> <p>2 show you a clip of your message to the parents that were</p> <p>3 complaining and ask you some questions. This clip,</p> <p>4 again, is from February 12th, 2015.</p> <p>5 MR. BANKSTON: Can you play Hornets?</p> <p>6 (Video playing.)</p> <p>7 Q (BY MR. BANKSTON) So for complaining, you</p> <p>8 were going to bring InfoWars to their hometown?</p> <p>9 MR. BARNES: Objection as to form.</p> <p>10 A. I have no idea what that 3-second clip was.</p> <p>11 Q. (BY MR. BANKSTON) Well, forget the 3-second</p> <p>12 clip. For complaining, you were going to bring InfoWars</p> <p>13 to their hometown?</p> <p>14 A. That is not what I said.</p> <p>15 Q. Okay. Well, a couple months later -- hang on,</p> <p>16 Mr. Jones. I'm going to hand you what I am now marking</p> <p>17 as Exhibit 5.</p> <p>18 (Exhibit 5 marked.)</p> <p>19 Q. (BY MR. BANKSTON) A couple of months later,</p> <p>20 in the spring of 2015, you sent this man, a cage</p> <p>21 fighter, to go badger and yell obscenities at Sandy Hook</p> <p>22 residents, right?</p> <p>23 A. No.</p> <p>24 Q. No? You know who that is, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">85</p> <p>1 2015.</p> <p>2 MR. BANKSTON: Can you play Stocked the</p> <p>3 School?</p> <p>4 (Video playing.)</p> <p>5 Q (BY MR. BANKSTON) First, Mr. Jones, you see</p> <p>6 the headline at the top of that screen, "The FBI says no</p> <p>7 one killed at Sandy Hook"?</p> <p>8 A. Yes.</p> <p>9 Q. You're familiar that's an article that</p> <p>10 InfoWars published at one time?</p> <p>11 A. Yes, the FBI said no deaths that year in Sandy</p> <p>12 Hook on their website.</p> <p>13 Q. Is that what they say?</p> <p>14 A. I'm going from memory. You can pull it up.</p> <p>15 Q. So you say that headline's true?</p> <p>16 A. The FBI later amended it and said that it was</p> <p>17 an error.</p> <p>18 Q. Oh, they amended it? That happened?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Okay. Let's move on to 2016. And in the 2016</p> <p>21 election you found yourself having to discuss Sandy Hook</p> <p>22 because Hillary Clinton actually brought you up</p> <p>23 specifically in a campaign speech, didn't she?</p> <p>24 A. Yes.</p> <p>25 Q. And that she -- she wanted to put light on</p>

<p>86</p> <p>1 you, in other words? That was part of her campaign 2 strategy? 3 A. Yes. 4 Q. Now, after the campaign was over, in November 5 2016, you directly addressed the parents in a video 6 called your final statement and accused some of them 7 being actors, right? 8 A. No. 9 Q. Okay. I'm going to show you the very end of 10 your clip, your message to the parents on November 11th, 11 2016 in the final statement on Sandy Hook. 12 MR. BANKSTON: Can you play the video 13 clip titled Soap Opera? 14 (Video playing.) 15 Q (BY MR. BANKSTON) That was not the extreme 16 caution that your chief reporter, Mr. Watson, had been 17 urging, correct? 18 MR. BARNES: Objection as to form. 19 Q. (BY MR. BANKSTON) Correct? 20 A. I mean, if people had been coached about 21 certain political anti-gun statements, I have a right to 22 say that they're putting out political talking points. 23 Q. "I know when I'm watching a movie, and I know 24 when I'm watching something real. We have seen soap 25 operas before." I mean, this is an accusation about</p>	<p>88</p> <p>1 that from. 2 A. All I'm saying it's a -- Democrats use that. 3 Q. Okay. Mr. Jones, we've talked a little bit 4 about the Sandy Hook investigators, one of them, 5 Mr. Halbig and one of them, like, Mr. Fetzer. These are 6 people who have been investigating Sandy Hook. 7 Mr. Halbig's been a considerable source of information 8 for you. You will admit that, correct? 9 A. Yes. 10 Q. Now, these Sandy Hook investigators, these 11 people were so crazy that you had to realize at some 12 point that what they're saying isn't true and that Sandy 13 Hook wasn't a fake, right? 14 MR. BARNES: Objection as to form. 15 A. I found out some of what they were saying was 16 not accurate. 17 Q. (BY MR. BANKSTON) Okay. Let me play a clip 18 for you that's something you said just a little while 19 ago, on January 19th, 2019. 20 MR. BANKSTON: Can you play Kooky? 21 (Video playing.) 22 Q (BY MR. BANKSTON) When did you finally 23 realize that these crazy people were crazy? 24 MR. BARNES: Objection as to form. 25 A. I can't answer exactly because it's so many</p>
<p>87</p> <p>1 actors, correct? 2 A. No, not specifically about that. I was saying 3 politically it turned into something synthetic to go 4 after guns, and I think that's why you don't play the 5 whole clip. 6 Q. And then at the end of the clip, you point 7 into the camera and say, "Let's look into Sandy Hook." 8 And then there's a title card that says, "InfoWars you 9 are the resistance." The "you" in the "You are the 10 resistance," that's your audience, correct? 11 A. That's a tagline on everything, so it wasn't a 12 specific Sandy Hook message. 13 Q. But I'm asking you the meaning of that 14 tagline, "You are the resistance." "You" means your 15 audience? 16 A. It means -- yes, uh-huh, or it means -- it 17 just means the American people. 18 Q. Am I part of the resistance? 19 A. Well, all the Democrats. 20 Q. I'm sorry? Did I... 21 A. Well, that's a Democratic tagline that they 22 took from me: You are the resistance. 23 Q. Okay. 24 A. You're not a Democrat? 25 Q. I don't know why you -- where you're getting</p>	<p>89</p> <p>1 years; but about three years ago, I found that some of 2 what they said was inaccurate. 3 Q. (BY MR. BANKSTON) Okay. So, essentially, 4 then, I think what you're getting at is you haven't been 5 saying Sandy Hook is fake for years? 6 A. I have been more on the side, going back about 7 three or four years ago, that it did happen and then 8 started talking about some of the anomalies that were 9 not anomalies; and then that triggered more of the ire 10 of those folks as they got more, I think, extreme. 11 That's what I'm saying: This is all cherry-picked here. 12 Q. Well, I'm just trying to understand, 13 Mr. Jones. At some point you learned that those people 14 were crazy; you couldn't believe what they were saying. 15 You couldn't say it was synthetic or completely fake 16 anymore. When did you stop saying it was -- 17 A. I don't know. It was probably four years ago 18 I told Bidondi not to say he worked with the InfoWars, 19 because he didn't. And he's a professional wrestler, 20 not a cage fighter. I mean, I remember that. That's a 21 date we could find when we sent him e-mails and said, 22 "You don't work here. Stop saying our name. Don't do 23 that in our name," because I saw that stuff; and I was 24 like -- I remember seeing it in the paper. And I was 25 like, "Bidondi doesn't work here." I mean, he did stuff</p>

<p style="text-align: right;">90</p> <p>1 for us years before that, you know.</p> <p>2 MR. BANKSTON: Objection, nonresponsive.</p> <p>3 A. I mean, I'm really answering your question.</p> <p>4 Q. (BY MR. BANKSTON) No, Mr. Jones. I'm asking</p> <p>5 you about Mr. Halbig, the sources that you had, not your</p> <p>6 employees.</p> <p>7 A. He's not my employee.</p> <p>8 Q. I'm talking about these investigators, right?</p> <p>9 These investigators, at some point -- we just saw a</p> <p>10 clip -- you realized they were kooky, couldn't say it</p> <p>11 was synthetic anymore. When do you think is the last</p> <p>12 time you -- like, that ended? When did you stop calling</p> <p>13 it fake?</p> <p>14 MR. BARNES: Objection as to form.</p> <p>15 A. I mean, I can't accurately say that.</p> <p>16 Q (BY MR. BANKSTON) Okay. Let's try to -- hold</p> <p>17 on for a second. Let me take you back to April 20th,</p> <p>18 2018. I want to play you a clip on April 20th, 2018. I</p> <p>19 believe it was a day or two after you were first sued.</p> <p>20 MR. BANKSTON: Can you play the clip Not</p> <p>21 Doing It?</p> <p>22 (Video playing.)</p> <p>23 Q (BY MR. BANKSTON) When you say you're not</p> <p>24 doing it, is this meaning that you haven't been saying</p> <p>25 Sandy Hook was fake for several years?</p>	<p style="text-align: right;">92</p> <p>1 highway that, you know, Sandy Hook was staged. That's a</p> <p>2 big thing on the Internet.</p> <p>3 And so the media made -- Hillary made it</p> <p>4 this huge thing on which she said Pepe the Frog was a</p> <p>5 white supremacist; and made the frog a white</p> <p>6 supremacist. She had a lot of power at that point in</p> <p>7 the news.</p> <p>8 And so I've been trying to say,</p> <p>9 particularly, you know, "Hey, it's not my identity. And</p> <p>10 I believe it happened and I'm sorry for your -- you</p> <p>11 know, any pain you've had." But I'm not going to be</p> <p>12 Sandy Hook man and then take what everybody else did as</p> <p>13 if what people have said and done is all me and then I'm</p> <p>14 kind of like the sin eater and it's all put on me when</p> <p>15 that's not my identity.</p> <p>16 I mean, this idea -- I know they have</p> <p>17 shows, like Homeland, and things where there's</p> <p>18 supposedly Alex Jones and he does all these things.</p> <p>19 That's not a real person. That's an actor. And then</p> <p>20 kind of the media fantasizes that they're fighting, you</p> <p>21 know, this big boogymen that's on Homeland; and that's</p> <p>22 not who I am.</p> <p>23 Q. Do you remember what my question was? What</p> <p>24 was my question?</p> <p>25 A. But I just answered your question. I mean,</p>
<p style="text-align: right;">91</p> <p>1 A. No. What it means is the media currently and</p> <p>2 then says, "Jones is saying it. Jones is sending</p> <p>3 people."</p> <p>4 And then never showing me saying, "Don't</p> <p>5 go investigate it. I believe mass shootings have</p> <p>6 happened. And I'm sorry and some of the anomalies we</p> <p>7 were told were wrong." And I've said it -- I've</p> <p>8 probably been saying that for four years.</p> <p>9 Q. Okay.</p> <p>10 A. And then the media, the corporate media, wants</p> <p>11 to use it to, I guess, to bring back gun control or</p> <p>12 anti-free speech stuff, whatever it is; and so it</p> <p>13 continues to do that over and over again.</p> <p>14 Q. Right. You kind of -- you end up in the</p> <p>15 crosshairs because they want to generate clips, right?</p> <p>16 A. Well, I'm not sure how all that works; but I</p> <p>17 can tell you: Sandy Hook is not my identity. I covered</p> <p>18 it less than one-tenth of 1 percent until Hillary gave</p> <p>19 her All Right Speech; and then there were thousands of</p> <p>20 articles, you know, saying, "Jones is doing this. Jones</p> <p>21 is sending people there." And it kind of restarted. A</p> <p>22 big resurgence happened on the street saying, "How dare</p> <p>23 you not -- you not say it happened; you don't think it</p> <p>24 happened?" It's a big thing. It was, like, spray</p> <p>25 painted on the walls here in Austin on the side of the</p>	<p style="text-align: right;">93</p> <p>1 ask your question again. There's no yes-or-no answer to</p> <p>2 something like that.</p> <p>3 Q. Well, I mean, you don't even know what the</p> <p>4 question was because you were just talking. You were</p> <p>5 just ranting, like you do on your show, right?</p> <p>6 A. No, I was being honest with you about the</p> <p>7 situation.</p> <p>8 Q. All right. Well, let's walk through it,</p> <p>9 Mr. Jones. We know you started making videos calling it</p> <p>10 fake in 2013, right? No doubt there?</p> <p>11 MR. BARNES: Objection as to form.</p> <p>12 Q. (BY MR. BANKSTON) Right?</p> <p>13 MR. BARNES: Objection as to form.</p> <p>14 A. I can't comment on edited videos you've got</p> <p>15 here.</p> <p>16 Q. (BY MR. BANKSTON) I'm not asking you about</p> <p>17 edited video, Mr. Jones. I'm asking you: In 2013 you</p> <p>18 made videos calling it fake, correct?</p> <p>19 MR. BARNES: Objection as to form.</p> <p>20 A. I think I was asking if it was fake, yes.</p> <p>21 Q. (BY MR. BANKSTON) Admittedly, you weren't</p> <p>22 asking; you were saying it was fake, and the evidence is</p> <p>23 overwhelming, right?</p> <p>24 A. I mean, we have a right in this country to</p> <p>25 question things.</p>

<p style="text-align: right;">94</p> <p>1 Q. I'm not saying what you did and didn't have a 2 right to do. I'm just asking you what you did. You 3 made videos in 2013 saying it was fake, right? 4 A. I think saying -- I remember making statements 5 that it looks fake to me, but we're not a hundred 6 percent. 7 Q. Okay. And then in 2014 and 2015 you were 8 making videos, calling it synthetic, completely fake, 9 manufactured, phony as a three-dollar bill. That was 10 happening all through 2014 and 2015, right? 11 MR. BARNES: Objection as to form. 12 Q. (BY MR. BANKSTON) And there's transcripts of 13 that, right? 14 A. I'm not denying that I've questioned Sandy 15 Hook. 16 Q. Okay. That's all I'm asking. 17 Then in 2016 we know it became an issue 18 because of the campaign. We saw a video called your 19 final statement. We've looked at that. And we've seen 20 you saying really false things about Sandy Hook all 21 through 2017 in these videos, too, right? 22 MR. BARNES: Objection as to form. 23 A. Edited videos. I can't respond to it. 24 Q. (BY MR. BANKSTON) Okay. If you just say -- 25 for instance, if you say that there are Port-A-Potties</p>	<p style="text-align: right;">96</p> <p>1 October 26th, 2017. That's just a couple of months 2 before you were sued, wasn't it? 3 A. I would guess if the date's right. 4 Q. And that was almost five years after the 5 parents had told you how distressing what you were doing 6 was to them, right? 7 A. I say right there I don't know what happened 8 at Sandy Hook. 9 Q. It says it's as phony as a 3-dollar bill. 10 MR. BARNES: Objection as to form. 11 A. Talking about Nancy Grace where she says she's 12 on location and they've got trucks and you see the same 13 trucks driving behind her and the guest, that's what I 14 mean. It's the media creating a synthetic thing around 15 it to script the outcome of what they want. You're 16 taking it out of context. 17 Q. (BY MR. BANKSTON) Oh, really? That's what 18 "phony as a 3-dollar bill" means? That's how you've 19 used that term over the years? 20 A. Talking about Nancy. That clip is long enough 21 where I can tell what I'm talking about. I mean, 22 Nancy's sitting there, where she's sitting there in a 23 roundabout; and she says the other person is... 24 Q. I'm familiar, Mr. Jones. Ashleigh Banfield 25 sitting in a chair. They're both in the same parking</p>
<p style="text-align: right;">95</p> <p>1 showing up within an hour in 2017, that's not true, 2 right? 3 A. We don't know that. 4 Q. Exactly, right? You don't know that, but you 5 said they did? 6 A. That's what the reports were from people we 7 believed were credible. 8 Q. Okay. But in 2017 you're still calling it 9 fake? 10 MR. BARNES: Objection as to form. 11 A. No. I was -- the media would get me to 12 respond and say, "Well, what were the anomalies?" And 13 then I would -- like Megyn Kelly, I said, "I believe it 14 happened." 15 She goes, "But what are the anomalies?" 16 Q. (BY MR. BANKSTON) Okay. 17 A. And then they edited it together to have me 18 saying it didn't happen. That's just incredibly 19 deceptive. 20 Q. Okay. I want to show you something you said 21 on October 26th, 2017; and this is a video called \$3 22 Bill. 23 MR. BANKSTON: Can you play that? 24 (Video playing.) 25 Q (BY MR. BANKSTON) That video, that was made</p>	<p style="text-align: right;">97</p> <p>1 lot. As a result of the satellite feed, you see the 2 same cars going behind them; and it shows they're 3 actually in the same location, even though they're 4 trying to do it like a satellite feed, right? 5 A. Yeah. 6 Q. Right. And then, obviously, they didn't have 7 a guest to put on. They put those two people together. 8 To you, that's an anomaly, right? That's one of the 9 anomalies that caused you to have doubts? 10 A. They lied and said they were on location. 11 Q. Yeah, sure, they lied. Yeah, they said, "Hey, 12 she's over here; and I'm over here." And they're 13 actually in the same place? 14 A. Yeah. 15 Q. They were pulling a -- they pulled a trick? 16 A. She said she had just got a text from The 17 Atlanta -- 18 Q. We'll talk about that. 19 A. -- rooftop. 20 Q. Put a pin in that, Mr. Jones. We'll talk 21 about that. I definitely want to get back and talk 22 about that; but in terms of what you were saying in that 23 video, you said, "We've looked at both sides. We've 24 tried coming at it from all angles; but, folks, it's as 25 phony as a 3-dollar bill." That's what you said?</p>

<p style="text-align: right;">98</p> <p>1 A. Talking about the media coverage, yes, in 2 context. 3 Q. Oh, in that you were talking about the media 4 coverage? 5 A. Yeah, that's what I'm talking about. That's 6 what I'm talking about, Nancy Grace. 7 Q. And Anderson Cooper, right? 8 A. Yes. 9 Q. The blue screen, you said: It's fake, wasn't 10 there. It didn't happen. They weren't on location. 11 That's what you said? 12 MR. BARNES: Objection as to form. 13 A. Now, generally when someone is on location, it 14 doesn't mean that the person being interviewed is even 15 part of it. It means that they'll say, "Hey, you're 16 going to be standing here, talking to Anderson Cooper." 17 And they're not talking. At that level of television 18 they routinely do that. 19 CNN is famous for it. They'll even run 20 audio in the back of the video and, like, you'll hear 21 is -- another that happened a few months ago is CNN, you 22 hear a bunch of crickets and the cars. All of sudden 23 the tape stops and they have to start it back up, and 24 they're supposedly on location in Gaza. 25 Q. (BY MR. BANKSTON) I have no idea what you're</p>	<p style="text-align: right;">100</p> <p>1 Sandy Hook was probably completely staged at different 2 periods of my life. Like, I believed Jussie Smollett 3 was staged or the WMDs were staged. And I'm on record 4 on hundreds of these events when I think they're staged. 5 I've learned sometimes I'm wrong. 6 And so, no, I stand by the fact that I 7 genuinely believed that. And one of my best reporters, 8 Paul, thought that was wrong; and so that shows that we 9 have real debates, real discussions. And what people 10 believe, as long as I think they really believe it, it's 11 what we debate and discuss. And that's like most any 12 talk radio show there is. 13 Q. Everything -- every last word of factual claim 14 in those statements are things that you repeated with no 15 confirmation from people you now admit are crazy, right? 16 A. Well, I don't want to call people crazy and 17 get sued by somebody else. I have found that some of 18 what they said and then the reports they put out were 19 not accurate. 20 Q. Well, you certainly have no problem calling 21 them kooky, right? You've said it on the air to, like, 22 millions of people? 23 A. Yeah. I mean, yeah, I mean, I think it's -- 24 Q. These people are kooky, and everything you 25 said in that was based on what they told you and with no</p>
<p style="text-align: right;">99</p> <p>1 talking about, but it's not important. What I'm asking 2 you is -- 3 A. Oh, okay. Okay. 4 Q. -- in terms of Anderson Cooper, you said that 5 Anderson Cooper wasn't at Sandy Hook; he was not there? 6 MR. BARNES: Objection as to form. 7 Q. (BY MR. BANKSTON) Right, you said that? 8 MR. BARNES: Objection as to form. 9 A. I don't know how to respond to that. Yes, I 10 believe that he used -- that he faked being on location 11 once. That doesn't mean that the people involved aren't 12 the parents or that it didn't happen. It means CNN's 13 famous for faking locations. 14 Q (BY MR. BANKSTON) Okay. I want to show you a 15 clip of something you said in 2015, and this is a clip 16 that's become kind of famous. And so I want to get your 17 input on something you said in 2015 on January 13th. 18 And let me show you a clip called Hoax. 19 (Video playing.) 20 Q (BY MR. BANKSTON) Mr. Jones, can you now 21 admit that these statements were reckless? 22 A. No. I think at that point in my life, in 23 whatever the context was that I was saying I think 24 basically the whole thing was fake, I mean, that's my 25 right to do that. I legitimately had believed that</p>	<p style="text-align: right;">101</p> <p>1 confirmation? 2 A. I wouldn't say everything. There was a lot of 3 different sources, a lot of different things; and then 4 there was a cover-up on the files and the reports and 5 Lanza and his background. And so you've got a cover-up, 6 and you're not sure exactly what's going on and the 7 extent of it. 8 Q. Let me make sure I have this really clear. 9 A. Uh-huh. 10 Q. You don't believe the official story of Sandy 11 Hook. You think there was a cover-up. You think there 12 was manipulation. You think there was some sinister 13 thing going on. 14 A. I still -- yes, I still think -- I think 15 children died. I believe mass shootings happen. They 16 just had one in Brazil, a tragedy. And I believe it's a 17 crisis. And I go back to the point of all gun owners 18 being collectively blamed. Then it's traumatic and so 19 people go and they find anomalies. And then I've kind 20 of retrospectively gone back and seen how I did believe 21 that stuff. 22 And then I go back and I'm now, studying 23 more, actually, the real anomalies; and it's just the 24 School System and Government trying to covering its rear 25 end from liability. And so there definitely has been a</p>

<p style="text-align: right;">102</p> <p>1 cover-up of the events.</p> <p>2 And I think there's a lot of evidence</p> <p>3 showing there could have been a second shooter. There</p> <p>4 is the helicopter footage of the man in woods.</p> <p>5 I still have questions about Sandy Hook,</p> <p>6 but I know people that know some of the Sandy Hook</p> <p>7 families. They say, "No, it's real," people I think are</p> <p>8 credible. And so over the years, I've -- you know,</p> <p>9 especially as it's become a huge issue, had time to</p> <p>10 really retrospectively think about it. And as the whole</p> <p>11 thing matured, I've had a chance to believe that</p> <p>12 children died and it's a tragedy; but there are still</p> <p>13 real anomalies in the attempt to basically keep it</p> <p>14 blacked out that generally, when you see that in</p> <p>15 government, something's being covered up.</p> <p>16 Q. And after you were sued, you said there was a</p> <p>17 police stand down in Sandy Hook, right? You said that?</p> <p>18 A. I said that about Parkland, too. I think</p> <p>19 there was a very slow response on both.</p> <p>20 Q. Now, you're a parent. Just imagine with me</p> <p>21 for a moment that you lost one of your children. One of</p> <p>22 your children was murdered and you think you know who</p> <p>23 did it and there's been a justice system that worked</p> <p>24 that said this is who did it. And then someone who</p> <p>25 thinks that they have information comes to you and says,</p>	<p style="text-align: right;">104</p> <p>1 Q. Now, by the same token, if the police didn't</p> <p>2 stand down but somebody was told -- a parent, a victim,</p> <p>3 was told that the police did stand down, falsely, that's</p> <p>4 also upsetting?</p> <p>5 A. I believe there's been lawsuits by the</p> <p>6 families about a lack of response.</p> <p>7 Q. Was that my question? Is that in any way my</p> <p>8 question, Mr. Jones?</p> <p>9 A. Well, I don't understand your question.</p> <p>10 Q. My question is: If somebody was to lie to</p> <p>11 you -- your children were killed and then somebody came</p> <p>12 to you and lied to you and said the police stood down,</p> <p>13 that'd be distressing?</p> <p>14 MR. BARNES: Objection as to form.</p> <p>15 A. I don't know of anyone -- if people believed</p> <p>16 there was a stand down, then it's not a lie.</p> <p>17 Q. (BY MR. BANKSTON) If somebody came to you</p> <p>18 about your murdered child and said, "Your murdered child</p> <p>19 wasn't actually murdered; he was stolen by aliens" and</p> <p>20 lied to you about that, that's upsetting, right?</p> <p>21 A. Yeah, uh-huh.</p> <p>22 Q. Can you now admit that you've done an</p> <p>23 outrageous wrong to these parents? Can you admit that?</p> <p>24 A. You know, the mainstream media is who always</p> <p>25 takes it and makes it a huge issue and then says that</p>
<p style="text-align: right;">103</p> <p>1 "Mr. Jones, the person who killed your son, information</p> <p>2 about him is being covered up. There's a government</p> <p>3 conspiracy. They're manipulating. There's a police</p> <p>4 stand down." Those things would be upsetting to you,</p> <p>5 wouldn't they?</p> <p>6 MR. BARNES: Objection as to form.</p> <p>7 A. I think the whole thing's upsetting, and</p> <p>8 everybody's upset by it. And people see anomalies, and</p> <p>9 citizens have rights to ask questions.</p> <p>10 Q. (BY MR. BANKSTON) Right. So if there was a</p> <p>11 police stand down, that'd be upsetting, right? I mean,</p> <p>12 come on, if the police chose not to react, that's</p> <p>13 upsetting, isn't it?</p> <p>14 A. Well, there was -- in Columbine, there was --</p> <p>15 at Parkland that -- they've ruled in Florida there was a</p> <p>16 police stand down. I was the first to report that</p> <p>17 because we had students call in.</p> <p>18 Q. I'm not asking --</p> <p>19 A. And CNN said they were actors.</p> <p>20 Q. I'm not asking if there was a police stand</p> <p>21 down in Parkland. I'm not asking if one happened at</p> <p>22 Sandy Hook. I'm saying that if children are being</p> <p>23 attacked and the police anywhere stand down, that's</p> <p>24 upsetting?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">105</p> <p>1 I'm saying it and gets me to respond. And it's lawyers</p> <p>2 like you and people that glom onto this for fame that</p> <p>3 then try to get the fame and then say that I'm the</p> <p>4 person that's promoting it. And it's obscene, in my</p> <p>5 view.</p> <p>6 Q. So that's "no"?</p> <p>7 A. No. I genuinely questioned it. You know, I</p> <p>8 think the Government and the media that's been caught</p> <p>9 lying so much has created an atmosphere where people</p> <p>10 don't know what's true.</p> <p>11 Q. So you do not believe that you've done an</p> <p>12 outrageous wrong to these parents?</p> <p>13 A. No, I've not done an outrageous wrong to the</p> <p>14 parents.</p> <p>15 Q. Okay. In that clip you said the state police</p> <p>16 have gone public. Have you ever argued anything about</p> <p>17 the state police?</p> <p>18 A. Like I told you, most of this stuff I can't</p> <p>19 even remember.</p> <p>20 Q. Do you, sitting here today, remember anything</p> <p>21 about the state police going public? Is there anything</p> <p>22 that occurs to you today?</p> <p>23 A. I can't remember.</p> <p>24 Q. Okay. I want to talk to you about rescue</p> <p>25 helicopters. You mentioned rescue helicopters a lot.</p>

<p style="text-align: right;">106</p> <p>1 It was puzzling to you that rescue helicopters weren't 2 called, correct? 3 A. Yes. 4 Q. Okay. I take it you don't know how long it 5 takes for a LifeStar crew from Hartford Hospital to be 6 dispatched, travel to Sandy Hook, and for the engine to 7 calm down to safely approach the vehicle? From 8 Hartford, you don't know how long that takes? 9 A. No, I don't. 10 Q. And, by the same token, you don't know how 11 long it takes for an ambulance crew to be dispatched to 12 loading of the patient from Danbury Hospital, 9 miles 13 down I-84? You don't know that? 14 A. No, I was going off Halbig's and others, that 15 professor's analysis of it. 16 Q. Okay. I think we've agreed before that Sandy 17 Hook was real. It was not staged. It was not phony. 18 You were wrong about that and -- 19 A. Well, I want to be clear: I believe children 20 died. I believe there was a mass shooting. I still 21 think that there was a man in the woods in camo. There 22 were other reports. I saw the video. And I believe 23 that, you know, normally after every person -- remember, 24 it's happened before -- every person in a shooting died; 25 and just a lot of experts I've talked to, including</p>	<p style="text-align: right;">108</p> <p>1 him, "Stop doing it." Even the year before that I said, 2 "Don't go in our capacity to any of these places." And 3 I'm just going off memory about that because we told him 4 we did not want him covering Sandy Hook, and the last 5 thing he covered for us was the Boston bombing. 6 Q. Who is "we" when you say, "We told him not to 7 cover Sandy Hook"? 8 A. I mean, I told him. 9 Q. Okay. 10 A. He lives up there. 11 Q. How did you tell him? 12 A. Over the telephone, and I believe in e-mails. 13 Q. Okay. You use e-mails to communicate with 14 employees and people like Mr. Bidondi? 15 A. I remember saying in a meeting around eight 16 years ago -- I said, "Listen, it's funny. He's a 17 professional wrestler. He likes to clown around. I 18 don't want to be a bunch of clowns. We're not the 19 Howard Stern Show. So tell him to stop doing stuff in 20 our name." And, basically, he just wouldn't stop. 21 Q. You've repeatedly said the 9/11 Attacks were 22 orchestrated by the Government, right? 23 A. Well, I believe criminal elements of our 24 Government were involved in 9/11. 25 Q. Regarding Columbine, you said, "Columbine we</p>
<p style="text-align: right;">107</p> <p>1 retired FBI agents and other people and people high up 2 in the Central Intelligence Agency, have told me that 3 there is a cover-up in Sandy Hook. 4 Q. Okay. Have there ever been any InfoWars 5 employees who have been terminated or formally 6 disciplined for allowing false Sandy Hook information to 7 reach the air? 8 MR. BARNES: Objection on two grounds: 9 One is to form; and secondly, Mr. Jones is only here in 10 his personal capacity. He's not here as a 11 representative of Free Speech. 12 MR. BANKSTON: I'm not asking to bind 13 him. If he has personal knowledge, he can tell me. 14 A. Bidondi was not working for us when he went to 15 Sandy Hook. I told him not to. And then I told him to 16 stop using InfoWars, over and over, repeatedly, until I 17 had to tell him that I'm going to go public on air and 18 say that he's a bad person if he didn't stop using my 19 name. 20 Q. (BY MR. BANKSTON) So you're going to tell me 21 that after that episode in Newtown happened, Mr. Dew 22 didn't communicate with Mr. Bidondi and ask him to cover 23 Sandy Hook some more? 24 A. I haven't reviewed all the things that went on 25 with the other reporters and people. I know I said to</p>	<p style="text-align: right;">109</p> <p>1 know was a false flag; I'd say 100 percent false flag, a 2 globalist operation." 3 A. By "false flag," they knew it was coming; and 4 they let it happen. 5 Q. Okay. The Oklahoma City bombing you said was 6 a false flag, "We've never had one so open and shut." 7 A. A hundred percent. I can name the names. 8 Q. And that Tim McVeigh was an innocent patsy? 9 A. He was set up, yeah. 10 Q. Okay. Hours after James Holmes shot up the 11 Aurora movie theater, you said that was 100 percent a 12 false flag, mind-control event? 13 A. He told the jailers that he was in a mind 14 control program, like Theodore Kaczynski, the Unabomber. 15 Q. Okay. The shooting of Gabrielle Giffords you 16 called a staged mind-control operation? 17 A. Say that again. 18 Q. The shooting of Gabrielle Giffords you called, 19 quote, "a staged mind-control operation"? 20 A. I believe we looked at those possibilities. 21 Q. The Douglas High School shooting in Parkland, 22 Florida, you told your audience you were nearly certain 23 it was a false flag to start a civil war, right? 24 A. That's out of context. What I said was I 25 believe the shooting happened, but that the way it was</p>

<p style="text-align: right;">110</p> <p>1 being hyped, that the police stood down. We talked to 2 the students, and it was later confirmed. 3 (Exhibit 6 marked.) 4 Q. (BY MR. BANKSTON) I want to show you the 5 context so we can make sure we're not taking it out of 6 context. I'm going to hand you the Affidavit of Fred 7 Zipp. I would like you to turn the document onto its 8 back and flip one page to page 25. Do you see that 9 tweet right there? There's a tweet at the top of the 10 page, right? 11 A. Uh-huh. 12 Q. A tweet is a message distributed to InfoWars' 13 thousands -- hundreds of thousands of Twitter followers, 14 correct? 15 A. Yes. 16 Q. That tweet reads, "Probability Florida Attack 17 False Flag For Civil War 90 percent," correct? 18 A. Yes. 19 Q. The remainder of that tweet says, "Alex Jones 20 calculates the probability of the Florida school 21 shooting being a false flag of the Deep State to create 22 resentment towards conservatives, gun owners, and sew 23 the seeds of civil war," correct? 24 A. That's a tweet. 25 Q. That's the context of that message, correct?</p>	<p style="text-align: right;">112</p> <p>1 Q. Okay. So it really wasn't a surprise that you 2 said the exact same thing about Sandy Hook that you've 3 said about all of these other shootings, correct? 4 A. Yeah, well, I talked to the FBI hostage rescue 5 team on the thing in Las Vegas. 6 Q. Okay. Let's talk a little bit about 7 Pizzagate. You told your audience -- first, let's start 8 off, Pizzagate is the allegation that there was a 9 pedophile sex dungeon in a Washington D.C. pizzeria with 10 connections to Hillary Clinton and the DNC, right? 11 MR. BARNES: Objection -- 12 Q. (BY MR. BANKSTON) That's what Pizzagate is? 13 MR. BARNES: Objection as to form. 14 A. Does that mean to ask it again? 15 Q. (BY MR. BANKSTON) No, you can answer, 16 Mr. Jones. 17 A. Say it again. 18 Q. Pizzagate is the allegation that there was a 19 pedophile sex dungeon being operated out of the basement 20 of a pizzeria in Washington, D.C., with connection to 21 Hillary Clinton and the DNC? 22 A. No. 23 Q. Okay. Tell me what Pizzagate was. 24 A. Pizzagate came out of the John Podesta 25 e-mails, head of Hillary's campaign. I'm talking about</p>
<p style="text-align: right;">111</p> <p>1 A. I didn't put this out, but they took a 2 derivative of what I said on air and put it out. 3 Q. InfoWars published that? 4 A. Well, the video that it links to is in the 5 context. 6 Q. I'm asking you: That tweet -- 7 A. Yes. 8 Q. -- InfoWars published that tweet? 9 A. I believe so. 10 Q. Thank you, Mr. Jones. 11 The November 2017 church shooting in 12 Sutherland Springs, Texas, you put forth the theory that 13 it was, quote, "Part of the Antifa Revolution against 14 Christians and conservatives or an ISIS op," correct? 15 A. Well, I that's out of -- I was giving, like, 16 possible things; and then it turned out -- it turned out 17 that he -- you know. 18 Q. In November 2017, the same month, there was a 19 horrific mass shooting at the Las Vegas music festival. 20 You remember that, correct? 21 A. Uh-huh. 22 Q. And you said, quote, "Vegas is as phony as a 23 three-dollar bill or as Obama's birth certificate," 24 correct? 25 A. Yes.</p>	<p style="text-align: right;">113</p> <p>1 Aleister Crowley rituals. And then the media diverted 2 onto 4chan and covered a pizza place that the DNC went 3 to and that was going on and created the dis-info about 4 these dungeons and basements and everything to then 5 distract onto that away from the serious stuff in the 6 FBI manual that they use things, you know, things like 7 cheese pizza means, you know, child pornography; and 8 those are code words used for pedophilia. And so that 9 was basically a diversion story, kind of a Karl Rove 10 type trick, where we have a big story and they slip this 11 info into it so that everybody then covers that. 12 Q. You told your audience, "Something's going on 13 in that pizzeria," right? 14 MR. BARNES: Objection as to form. 15 A. I mean, I did point out there was a lot of 16 really bizarre art and that Tony Podesta did not hide 17 the fact in the Washington Post 2007, a big write-up 18 about his deviant art, that he likes art that most 19 people would be arrested for, yeah. 20 Q. (BY MR. BANKSTON) You said, "Something's 21 being covered up in that restaurant," right? 22 A. I don't remember saying that specifically. 23 Q. You said, "You have to go investigate it for 24 yourself." Didn't you say that? 25 A. I don't know if that's the exact quote.</p>

<p style="text-align: right;">114</p> <p>1 Q. So if Mr. Zipp reported that in that affidavit 2 in front of you, he would be wrong? 3 A. I don't know Zipp. I mean, I don't know 4 Mr. Zipp, so. 5 Q. Well, Mr. Zipp who's sitting with us, who's 6 the former editor of the Austin-Statesman, he's a UT 7 Journalism Professor. He prepared that affidavit. If 8 he messed up and misquoted you, that's a problem, isn't 9 it? 10 A. Where is it? I mean, I haven't had a chance 11 to read this. 12 Q. Well, I'm just asking you -- 13 A. Well, let me read it. Let me read it then. 14 MR. BARNES: Which page are we supposed 15 to be at, by the way? 16 MR. BANKSTON: I'm not actually referring 17 him to a specific page number, but I can. Let's do 18 that. 19 MR. BARNES: That would be helpful. 20 Q. (BY MR. BANKSTON) I believe that's going to 21 be in the Heslin affidavit. 22 Let's talk about the Plaintiff's Petition 23 then. Have you seen these statements in the Plaintiff's 24 Petition about Pizzagate? 25 A. I'm confused.</p>	<p style="text-align: right;">116</p> <p>1 right? 2 A. I don't know if I've made those allegations. 3 Q. You apologized for them, though, didn't you? 4 A. I think a reporter went and pointed out the 5 same symbol or something. 6 Q. Did you apologize? 7 A. I don't remember. 8 MR. BARNES: Objection as to form. 9 Q. (BY MR. BANKSTON) You apologized to Chobani, 10 though, right for publishing stories that they were 11 caught importing migrant rapists, right? 12 A. That was a technical thing versus there were 13 rapes in the town, but it wasn't the company themselves 14 that brought the rapists in. It was the policies of the 15 Federal Reserve Board member who owns Chobani. 16 Q. You apologized? 17 A. I did. 18 Q. You also just recently apologized for false 19 reporting on the murder of DNC Staffer Seth Rich? 20 MR. BARNES: Objection as to form. 21 A. That was on reporting of another reporter. 22 Q. (BY MR. BANKSTON) And last year InfoWars had 23 to apologize for misidentifying an innocent young man as 24 the Parkland High School shooter? 25 A. I think we did.</p>
<p style="text-align: right;">115</p> <p>1 Q. I'm telling you right now that there's a 2 different affidavit that I'm not going to ask you about, 3 about Pizzagate; but I am going to ask you about 4 Plaintiff's Petition, the lawsuit that was served on 5 you. 6 A. Okay. Can I see it? 7 Q. I'm not even interested in reading it right 8 now. I'm just wanting to know: Do you remember 9 Pizzagate being a subject that came up? Is that 10 something you've looked into in the past couple of 11 months? 12 A. I have been very clear the last two years that 13 I believe that there was no illegal activity going on at 14 that pizza place, and I've told people that on record. 15 So I don't know if you're looking for clips to put on 16 the news of me saying something about that, but... 17 Q. Well, what I'm really getting at, Mr. Jones, 18 is that after you told people to go and investigate it, 19 somebody did and then opened fire there, right? That 20 happened? 21 A. No, there's evidence that person did that from 22 any directions I gave him. 23 Q. Okay. You made similar allegations on 24 InfoWars. There are videos about an Austin pizza place, 25 East Side Pies, similar allegations made on InfoWars,</p>	<p style="text-align: right;">117</p> <p>1 MR. BANKSTON: I'll tell you what, 2 Mr. Jones, let's take a little break. 3 THE VIDEOGRAPHER: Off the record 4 2:28 p.m. 5 (Off the record from 2:28 to 2:51 p.m.) 6 THE VIDEOGRAPHER: We are back on the 7 record at 2:51 p.m. 8 Q (BY MR. BANKSTON) Mr. Jones, some of your 9 Sandy Hook reporting -- hold on. Excuse me, Mr. Jones. 10 I need to grab a file. 11 Mr. Jones, some of your reporting on 12 Sandy Hook involved an anonymous website known as Zero 13 Hedge. Do you know what Zero Hedge is? 14 A. Yes. 15 Q. Okay. You'll remember that there was an 16 affidavit submitted by one of the Plaintiff's experts 17 that said InfoWars and Zero Hedge promoted and endorsed 18 each other's content. Do you remember that affidavit? 19 A. No. 20 Q. Okay. You've taken issue with that statement, 21 though? You don't believe -- that statements not true? 22 A. I don't know who runs Zero Hedge. I wouldn't 23 say we have a relationship with them. 24 Q. Okay. I want to show you what I'm now marking 25 as Exhibit 7.</p>

<p style="text-align: right;">118</p> <p>1 (Exhibit 7 marked.)</p> <p>2 Q. (BY MR. BANKSTON) If you want to take a</p> <p>3 minute to read this, Mr. Jones, what I have handed you</p> <p>4 is the August 28th affidavit that you executed in the</p> <p>5 Heslin case. Do you want a minute to read that?</p> <p>6 A. Sure. Thank you.</p> <p>7 (Witness silently reading document.)</p> <p>8 I'm finished.</p> <p>9 Q. Okay. Mr. Jones, I'd like to direct your</p> <p>10 attention there at the end of page 1 and spilling onto</p> <p>11 page 2. I'm going to read a sentence there for you</p> <p>12 that's highlighted. It states, "None of the defendants</p> <p>13 ever cooperated in any way with Zero Hedge nor have</p> <p>14 defendants and Zero Hedge ever promoted or endorsed each</p> <p>15 other's content." Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, the next sentence there -- there's</p> <p>18 been times where Zero Hedge has been cited?</p> <p>19 A. Yes.</p> <p>20 Q. And commented about?</p> <p>21 A. Yes.</p> <p>22 Q. Right. But to talk about you engage in the</p> <p>23 promotion or endorsement of Zero Hedge content, that was</p> <p>24 wrong; that's what this document states?</p> <p>25 A. Yes, that's wrong. I mean, I don't know who</p>	<p style="text-align: right;">120</p> <p>1 A. That's not an endorsement. I don't know who</p> <p>2 they are.</p> <p>3 Q. You're going to tell us that that clip we just</p> <p>4 saw was not you promoting and endorsing Zero Hedge's</p> <p>5 content?</p> <p>6 MR. BARNES: Objection as to form.</p> <p>7 A. I just told you I said I think they do good</p> <p>8 reporting.</p> <p>9 Q. (BY MR. BANKSTON) You think that the</p> <p>10 statements that you've made in that affidavit were</p> <p>11 honest, forthright, and complete?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Mr. Jones, you've said in testimony in</p> <p>14 this case that you've used blue screens before, you have</p> <p>15 experience with blue screens, and that there can be</p> <p>16 anomalies if the blue screen is not properly aligned,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Tell me how to align a blue screen.</p> <p>20 A. It depends if it's an older Chromakey model or</p> <p>21 it depends if it's dozens and dozens of different</p> <p>22 digital units; but if the lighting isn't correctly</p> <p>23 displayed against the green screen or blue screen --</p> <p>24 it's whatever color you really dial it to. TVs use blue</p> <p>25 screens; a lot of entertainment stuff, green. But it</p>
<p style="text-align: right;">119</p> <p>1 Zero Hedge is. I've reached out to them before and</p> <p>2 said, "Hey, who are you? I would like you to come on."</p> <p>3 And there's been no response back.</p> <p>4 I've said, "Wow, this is a good article</p> <p>5 from Zero Hedge," like I've said The New York Times has</p> <p>6 a good story; but I don't have any relationship with</p> <p>7 them.</p> <p>8 Q. Right. Okay. Well, I want to show you a</p> <p>9 video of you talking about Zero Hedge that was taken on</p> <p>10 June 13, 2017. This clip, unfortunately, is not</p> <p>11 available online anymore. What you're about to see has</p> <p>12 been downloaded from a website called</p> <p>13 sandyhookfacts.com. So I want to show you that video,</p> <p>14 which is just a recording of yours.</p> <p>15 MR. BANKSTON: Can you play the clip</p> <p>16 called Zero Hedge?</p> <p>17 (Video playing.)</p> <p>18 Q (BY MR. BANKSTON) When you said in your</p> <p>19 affidavit that InfoWars and you have never promoted or</p> <p>20 endorsed Zero Hedge's content, that was a false</p> <p>21 statement?</p> <p>22 MR. BARNES: Objection as to form.</p> <p>23 A. I just said before you played the clip that</p> <p>24 I've said they've done good reporting.</p> <p>25 Q. (BY MR. BANKSTON) Sure. But, Mr. Jones --</p>	<p style="text-align: right;">121</p> <p>1 doesn't matter. It can be any color that's not really</p> <p>2 common that's not going to be on your shirt or on your</p> <p>3 tie because it will make that disappear as well.</p> <p>4 And, also, if there's kind of a blue hue</p> <p>5 to your nose or in the event of a rising point, noses</p> <p>6 turning is generally the Number 1 thing that disappears;</p> <p>7 or any hairs that are amiss can create a blue shimmer</p> <p>8 off of television lights and you'll see areas that</p> <p>9 disappear. And so that's a telltale sign not of digital</p> <p>10 breakup, but it's squares.</p> <p>11 Q. How do you align it? What does that mean,</p> <p>12 aligning the blue screen?</p> <p>13 A. I mean, that's not even really a technical</p> <p>14 term. You have to turn the lights on, put people in a</p> <p>15 chair, and make sure the lights are properly set up to</p> <p>16 then work in the blue screen system.</p> <p>17 Q. Can you pull up Exhibit 1?</p> <p>18 A. This is 7.</p> <p>19 Q. And can you look at Paragraph 3 of Exhibit 1?</p> <p>20 This not technical term, "aligned," that's your term,</p> <p>21 right? You used it in this sworn affidavit, correct?</p> <p>22 A. Well, yeah. I mean, I would call -- when you</p> <p>23 dial just like two different dials, lights, and a thing</p> <p>24 to make them work together, I'd call that aligned. I</p> <p>25 mean, that's a pretty good word. I guess you could call</p>

<p style="text-align: right;">122</p> <p>1 it "sync" or --</p> <p>2 Q. So the lights -- you're talking about the</p> <p>3 lights need to be aligned, not a blue screen? You've</p> <p>4 got to dial something on a light?</p> <p>5 A. Well, no, the lights and the computer program</p> <p>6 have to be aligned. You have to look at a color scope.</p> <p>7 You have to make sure the colors are all lined up or it</p> <p>8 won't work. You have to be perfectly aligned. And</p> <p>9 that's either on an old spectrum system or you align</p> <p>10 them on a digital system. That's called -- that's</p> <p>11 aligning on that. It's on the scope. And now those</p> <p>12 scopes are digital. So you align the scope,</p> <p>13 technically. After you align the scope, then you have</p> <p>14 to align the lights with the scope so that it hits the</p> <p>15 settings of the Chromakey system.</p> <p>16 Q. You would be able to, I think, through your</p> <p>17 years of experience and exposure to these kinds of</p> <p>18 videos -- you've seen them before, the most common type</p> <p>19 of nose disappearing stuff -- you would be able to</p> <p>20 produce to us examples of blue screen videos with noses</p> <p>21 disappearing, just like Anderson Cooper's, right?</p> <p>22 A. I think I could probably find those.</p> <p>23 Q. Yeah, that's something that you could produce?</p> <p>24 A. I can't guarantee it, but that's pretty --</p> <p>25 like, have you ever seen, like, the weather person and</p>	<p style="text-align: right;">124</p> <p>1 A. No, I said I have blue screens still. They're</p> <p>2 on all your major video editing software now.</p> <p>3 Q. Okay.</p> <p>4 A. And then we have -- somewhere we might</p> <p>5 actually have an old-fashioned tube-based one. And I</p> <p>6 say 50. Do we have 50 computers? I mean, we probably</p> <p>7 have 50 computers, old and new.</p> <p>8 Q. Now, those blue screens -- in other words,</p> <p>9 what InfoWars uses to create blue screens, that still</p> <p>10 exists, is available for inspection, correct?</p> <p>11 A. Well, it's standard on Final Cut Pro. It's</p> <p>12 standard on all those editing systems. Just you can go</p> <p>13 to the store and buy them.</p> <p>14 Q. Okay. So whatever InfoWars has that it's</p> <p>15 claiming gives it knowledge of how blue screens work,</p> <p>16 that still exists; you haven't gotten rid of that stuff,</p> <p>17 right?</p> <p>18 A. No. We've got a couple of green screens up on</p> <p>19 the walls.</p> <p>20 Q. Perfect. Okay. One of the things that you</p> <p>21 talked about -- remember we said we were going to put a</p> <p>22 pin in it, about blue screens is one of the reasons that</p> <p>23 you were suspicious about this interview and blue</p> <p>24 screens is because CNN's got caught using blue screens</p> <p>25 before, right?</p>
<p style="text-align: right;">123</p> <p>1 they're, like, wearing the wrong colored tie and it does</p> <p>2 that? I mean...</p> <p>3 Q. Absolutely. And so if they're wearing a blue</p> <p>4 shirt, all of a sudden it looks like their shirt's</p> <p>5 invisible, right, because it's the same color as the</p> <p>6 blue screen, right?</p> <p>7 A. Or it might be set to green and then somebody</p> <p>8 sets it blue and, you know -- or somebody hits it; and</p> <p>9 it goes to brown and all of a sudden the rest of their</p> <p>10 clothes disappear.</p> <p>11 Q. And the whole shirt disappears?</p> <p>12 A. There is a dial. You can dial it to any color</p> <p>13 you want.</p> <p>14 Q. Okay.</p> <p>15 A. At least on those units, older units.</p> <p>16 Q. Okay. What kind do you have at InfoWars? You</p> <p>17 said you have one in the back?</p> <p>18 A. Oh, we have quite -- most of them that we</p> <p>19 have -- we probably have about ten of them.</p> <p>20 Q. Okay.</p> <p>21 A. The average news computer system has them.</p> <p>22 Q. You still have them, all ten of them?</p> <p>23 A. That's not an accurate statement. We probably</p> <p>24 have 50.</p> <p>25 Q. You have 50 blue screen mechanical devices?</p>	<p style="text-align: right;">125</p> <p>1 A. Uh-huh.</p> <p>2 Q. And, in fact, one of the things you brought up</p> <p>3 was about CNN getting caught using blue screens in the</p> <p>4 Gulf War?</p> <p>5 A. Uh-huh.</p> <p>6 Q. On the satellite feeds, right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. I want to play you a video really quick</p> <p>9 from something you said on May 13th, 2014 about these</p> <p>10 blue screens.</p> <p>11 MR. BANKSTON: Can you play CNN Blue</p> <p>12 Screen for me?</p> <p>13 (Video playing.)</p> <p>14 Q (BY MR. BANKSTON) Now, Mr. Jones, you've seen</p> <p>15 there was actually a satellite feed leak -- a leak of</p> <p>16 this that you've seen, right?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Okay. Is that a "yes"?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 (Exhibit 8 marked.)</p> <p>22 Q. (BY MR. BANKSTON) Mr. Jones, I'm going to</p> <p>23 hand to you what I've marked as Exhibit 8. You</p> <p>24 recognize this leak from the Charles Jaco CNN broadcast</p> <p>25 where he's got the blue screen behind him? You</p>

<p style="text-align: right;">126</p> <p>1 recognize that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And this was something that some people</p> <p>4 recorded off of a satellite leak?</p> <p>5 A. I believe so, a long time ago.</p> <p>6 Q. Okay. And you've done some reporting about</p> <p>7 this on InfoWars. You've shown this video and what</p> <p>8 happened that day?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And as we see from here, you can see</p> <p>11 kind of on the left-hand side and on the right-hand of</p> <p>12 the screen, there's this big blue screen up behind them,</p> <p>13 right?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Right? Because they left it on. I mean, they</p> <p>16 didn't put anything on it because they were on a</p> <p>17 satellite kind of practice feed, I think, right?</p> <p>18 A. I don't remember all the particulars, but they</p> <p>19 admitted they weren't on location.</p> <p>20 Q. Okay.</p> <p>21 A. And then, again, it's not like the background</p> <p>22 turns on. It's that the computer overlays it.</p> <p>23 Q. Right. It's not like actually on the --</p> <p>24 there's something up on the screen. The computer takes</p> <p>25 care of that in postproduction?</p>	<p style="text-align: right;">128</p> <p>1 what I've marked as Exhibit 9. You've never seen the</p> <p>2 International Hotel in Riyadh, Saudi Arabia, have you?</p> <p>3 A. No. I know that's where they said they were</p> <p>4 broadcasting from.</p> <p>5 Q. I'm going to show you what I'm marking as</p> <p>6 Exhibit Number 11.</p> <p>7 (Exhibit 11 marked.)</p> <p>8 Q. (BY MR. BANKSTON) You've never seen the</p> <p>9 photographs for the satellite setups for the major</p> <p>10 networks at the International Hotel in Riyadh, Saudi</p> <p>11 Arabia, have you?</p> <p>12 A. Nope. I just know Jaco says that they staged</p> <p>13 a chemical attack that didn't happen.</p> <p>14 Q. You know that Jaco admits is what you're</p> <p>15 saying? You've seen clips of Charles Jaco saying it</p> <p>16 was --</p> <p>17 A. Yeah, it came out later that there wasn't</p> <p>18 nerve gas in the air and all that and that they staged</p> <p>19 some of the shots on blue screen.</p> <p>20 Q. So you're maintaining that that thing behind</p> <p>21 them in that shot is a blue screen used for compositing</p> <p>22 and not just the walls of the International Hotel in</p> <p>23 Riyadh that was on every broadcast during that time?</p> <p>24 MR. BARNES: Objection --</p> <p>25 Q. (BY MR. BANKSTON) That's what you're saying?</p>
<p style="text-align: right;">127</p> <p>1 A. Or does it live.</p> <p>2 Q. Or does it live, right. Okay.</p> <p>3 But that CNN studio, that setup -- what</p> <p>4 I'm going to hand you now is what's been marked as</p> <p>5 Exhibit 10.</p> <p>6 (Exhibit 10 marked.)</p> <p>7 Q. (BY MR. BANKSTON) Do you think ABC News and</p> <p>8 Forrest Sawyer was given access to Ted Turner's secret</p> <p>9 studio?</p> <p>10 MR. BARNES: Objection as to form.</p> <p>11 A. I don't even know anything about this. I</p> <p>12 mean, I know they were...</p> <p>13 Q. (BY MR. BANKSTON) You've never seen that</p> <p>14 picture?</p> <p>15 A. No. I believe that CNN and others, especially</p> <p>16 CBS partners with other groups routinely; but that's</p> <p>17 conjecture. I don't know.</p> <p>18 Q. Okay. So I take it you've never done any sort</p> <p>19 of research as to where these interviews were allegedly</p> <p>20 done or CNN says they were done?</p> <p>21 A. You know, this was so long ago. I remember</p> <p>22 seeing PBS documentaries about this.</p> <p>23 Q. Let me show you an exhibit about that.</p> <p>24 (Exhibit 9 marked.)</p> <p>25 Q. (BY MR. BANKSTON) I'm going to hand you now</p>	<p style="text-align: right;">129</p> <p>1 MR. BARNES: Objection as to form.</p> <p>2 A. Well, no. They were saying they were there.</p> <p>3 They weren't saying they were projecting that behind</p> <p>4 them. I get your confusion about the blue thing or my</p> <p>5 confusion. This was a long time ago. It's not debated</p> <p>6 that CNN staged location shots.</p> <p>7 Q. (BY MR. BANKSTON) They didn't stage that</p> <p>8 shot, did they? That shot was in front of the</p> <p>9 International Hotel in Riyadh. That was not a staged</p> <p>10 shot.</p> <p>11 A. Yeah, they put the gas masks on through the</p> <p>12 whole thing and then they stopped during the breaks and</p> <p>13 it's all a big joke.</p> <p>14 Q. I'm not really concerned with what they did on</p> <p>15 the broadcast. You said that they were in a secret</p> <p>16 broadcast center in Atlanta when they said they were in</p> <p>17 Riyadh. You were wrong. That was false. They were</p> <p>18 actually in Riyadh. You can admit that?</p> <p>19 A. I can't say that.</p> <p>20 Q. In fact, you don't know. When you were saying</p> <p>21 that they were not in Riyadh, you had no idea?</p> <p>22 A. I think you're mixing things together.</p> <p>23 Q. Okay, Mr. Jones.</p> <p>24 A. You're right. Colin Powell, the anthrax was</p> <p>25 real. You're right. Nothing sticks.</p>

<p style="text-align: right;">130</p> <p>1 Q. There was a lot of reporting during the Gulf 2 War, a lot of people doing really hard work to uncover 3 the fact that those aluminum tubes were total bunk. 4 That wasn't WMDs, right? 5 A. Were they wrong to question that. 6 Q. Absolutely. There was a lot of people 7 questioning that. They did some really good reporting. 8 They found out, for instance, that some of the 9 allegations of torture in Kuwait were total bunk; it was 10 total propaganda. Some good journalists found that -- 11 A. The babies in the incubators? 12 Q. I think that's some of it, isn't it? Not just 13 the babies in the incubators, though. There was a lot 14 of false things being told to the American public to get 15 them to go to war, wasn't there? 16 A. Yeah. 17 Q. And a lot of reporters did really good work 18 doing it and finding out what those things were. There 19 were some really good reports, right, an incubator 20 report, for instance? 21 A. Yeah. Yeah. I was pretty young then, but 22 yeah. 23 Q. So those good journalists did good work 24 uncovering those facts; but your work on the blue screen 25 allegation in the Gulf War, that wasn't good journalism,</p>	<p style="text-align: right;">132</p> <p>1 A. I got contacted in the morning with -- I got 2 contacted by an individuals assigned to the SERF Teams 3 CIA Assassination squads who had people inside the 4 hostage rescue team in Vegas and they said that he was 5 selling weapons to the Gihadies and that they had 6 paraphernalia for the Gihadies in the Middle East, that 7 he was an arms dealer. I mean, the Saudis were having a 8 civil war. 9 They were having an event with the Saudi 10 military, over 10,000 of them in Las Vegas that weekend 11 as part of a larger event, and that as basically inside 12 the Saudi Arabia civil war that they used the arms deal 13 to get weapons inside of the United States and that they 14 then killed the patsy and then carried out the operation 15 and that the whole thing was basically a Saudi civil 16 war. And a lot of that later came out. 17 Q. Came out where? 18 A. It came out in the news that he went to the 19 Middle East. It came out that he had been involved in 20 arms dealing. And I also had to sign nondisclosures 21 that I can't get into subsequently with other 22 information. 23 Q. You've signed nondisclosures? 24 A. Uh-huh. 25 Q. With whom?</p>
<p style="text-align: right;">131</p> <p>1 was it, Mr. Jones? 2 A. No. They admitted they did blue screen shots 3 from Atlanta and a whole bunch of places. 4 Q. That's where you're doubling down; you're 5 saying that that's a fact? 6 A. I'm saying you're mixing things together, so I 7 can't say anything further. 8 Q. Okay. I want to talk a little bit -- 9 actually, I want to go back to something you said 10 earlier, which is that you have CIA sources who told you 11 that something's up in Vegas -- 12 A. Yep. 13 Q. -- something funny's going on in Vegas. Who? 14 MR. BARNES: Objection, and we'll 15 instruct the witness not to answer on journalistic 16 privilege. 17 MR. BANKSTON: Gotcha. 18 Q. (BY MR. BANKSTON) Well, what did you hear? 19 What did this person tell you? 20 MR. BARNES: The same instruction not to 21 answer if it in any way will disclose their identity. 22 MR. BANKSTON: Yeah, I'm not asking for 23 their identity. 24 THE WITNESS: Go ahead. 25 Q. (BY MR. BANKSTON) What did they tell you?</p>	<p style="text-align: right;">133</p> <p>1 A. I can't talk about it. 2 Q. Okay. Well, what about: What's the general 3 topic that you can't disclose? 4 A. I can't talk about it. 5 Q. Okay. So apparently there's some 6 nondisclosure agreement that you've signed with some 7 unnamed person that is relevant to the allegations that 8 you were making about Las Vegas? 9 A. Yes. 10 Q. Okay. And you can't -- for reasons of that 11 nondisclosure, you can't disclose anything about that 12 today? 13 A. No, I can't. 14 Q. Was that a government person that you did the 15 nondisclosure with? 16 MR. BARNES: Objection, and we'll 17 instruct the witness not to answer to the degree it 18 could disclose his identity, which that question 19 basically would. 20 Q. (BY MR. BANKSTON) Was it a corporate entity? 21 MR. BARNES: The same instruction not to 22 answer on the grounds of the journalistic privilege 23 shield as something that may identify or lead to the 24 identification of the individual person. 25 Q. (BY MR. BANKSTON) Was it a real person or an</p>

<p style="text-align: right;">134</p> <p>1 imaginary person?</p> <p>2 A. Oh, it's real.</p> <p>3 Q. It's a real person. So there is a contract.</p> <p>4 If we needed it, we could get it? It exists? Do you --</p> <p>5 A. I already told you it exists.</p> <p>6 Q. Do you own a copy?</p> <p>7 THE WITNESS: We have a copy of that,</p> <p>8 don't we?</p> <p>9 MR. BARNES: Well, he's just asking</p> <p>10 whether you --</p> <p>11 A. Yes, we have a copy.</p> <p>12 Q. (BY MR. BANKSTON) Okay. Thank you,</p> <p>13 Mr. Jones.</p> <p>14 Let's talk a little bit about sources.</p> <p>15 What is InfoWars' policy on using unnamed sources?</p> <p>16 A. If they've been credible in the past and have</p> <p>17 been good sources, then we report from an unnamed</p> <p>18 source.</p> <p>19 Q. Who is in charge or makes the decision on if</p> <p>20 the source is credible?</p> <p>21 A. Paul Watson, myself, Rob Dew.</p> <p>22 Q. Okay. You talked a lot about covering</p> <p>23 Internet --</p> <p>24 A. Let me be clear: Paul does his own thing. So</p> <p>25 he does his reporting and then helps us out with other</p>	<p style="text-align: right;">136</p> <p>1 CNN takes the angle on Pizzagate and makes it huge --</p> <p>2 Washington Post, New York Times, CNN -- they make</p> <p>3 whatever they're reporting on the huge thing; and then</p> <p>4 we go report on this huge thing that the media, the</p> <p>5 corporate media, actually went, like, a honey pot and</p> <p>6 set up. So more and more I try to not even report on</p> <p>7 whatever the big thing on 4chan or, you know, any of</p> <p>8 these sites are talking about. I directly stay away</p> <p>9 from them now.</p> <p>10 Q. Okay. 4chan, let's just pick that one up</p> <p>11 first.</p> <p>12 A. Yes.</p> <p>13 Q. That's an anonymous image board, right?</p> <p>14 A. Yes.</p> <p>15 Q. The posters there are assigned a random</p> <p>16 number, right?</p> <p>17 A. Yes.</p> <p>18 Q. InfoWars has frequently used 4chan as a</p> <p>19 source?</p> <p>20 A. We've reported on things being reported at</p> <p>21 4chan.</p> <p>22 Q. As a source, right? That's what a source is,</p> <p>23 isn't it?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">135</p> <p>1 stuff.</p> <p>2 Q. Okay. So it's you and Rob who assign</p> <p>3 credibility to sources?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. You talked a bit about covering the</p> <p>6 Internet and what's being said on the Internet. On when</p> <p>7 you cover the Internet and the stuff that's being said</p> <p>8 there, are there particular places that you consider</p> <p>9 important places to look on the Internet for what's</p> <p>10 really being said and what's happening?</p> <p>11 A. Yes.</p> <p>12 Q. What are some of your primary sources on the</p> <p>13 Internet to get Internet chatter?</p> <p>14 A. I mean, everything from the Intercept to the</p> <p>15 New York Times to Drudge Report to CNN -- I mean, we</p> <p>16 just look at everything -- to the Congressional Record.</p> <p>17 Q. Well, I mean, I understand you look at media,</p> <p>18 mass media and government reports; but I'm talking about</p> <p>19 Internet chatter, what the people are talking about</p> <p>20 online. How do you get a pulse of that?</p> <p>21 A. It's not even getting a pulse. In the past we</p> <p>22 would cover whatever the big chatter was if I thought it</p> <p>23 was interesting and the crew did. We basically try not</p> <p>24 to even do that anymore because it always gets assigned</p> <p>25 on us when we cover even big stories because if, like,</p>	<p style="text-align: right;">137</p> <p>1 A. I mean, if somebody was e-mailing you, you</p> <p>2 could say technically it was a source --</p> <p>3 Q. Sure.</p> <p>4 A. -- even if you never even open it.</p> <p>5 Q. Any piece of information that you're going to</p> <p>6 report secondhand is a source, right?</p> <p>7 A. Yeah.</p> <p>8 Q. It was the source of that information?</p> <p>9 A. Yeah. Like, if somebody draws on a bathroom</p> <p>10 wall, it could be a source.</p> <p>11 Q. Now, for instance, one of the things we've</p> <p>12 talked about is misidentifying the Parkland shooter. We</p> <p>13 talked earlier about misidentifying the Parkland shooter</p> <p>14 last year. InfoWars' source was 4chan, right?</p> <p>15 A. I don't remember that, but we corrected it</p> <p>16 within a day.</p> <p>17 Q. Well, I mean, I didn't ask you anything about</p> <p>18 correction, right? What I'm asking is: Do you or do</p> <p>19 you not know if 4chan was your source?</p> <p>20 A. I believe it was one of the places that put it</p> <p>21 up.</p> <p>22 Q. Okay.</p> <p>23 A. That's why I told --</p> <p>24 Q. So that's what I was kind of asking when I</p> <p>25 say: Where do you get your chatter? 4chan is one. Do</p>

<p style="text-align: right;">138</p> <p>1 you have any others for us?</p> <p>2 A. Yeah, e-mail, what people are talking about on</p> <p>3 the street.</p> <p>4 Q. Well, I mean, specifically we're talking about</p> <p>5 honing in on this idea that there were people on the</p> <p>6 Internet chattering about Sandy Hook. The Internet was</p> <p>7 talking about it. You know --</p> <p>8 A. I would say YouTube. The videos within the</p> <p>9 first two weeks with, like, 5 million, 10 million views,</p> <p>10 plus; and they were showing a lot of things that when</p> <p>11 you looked at it, looked pretty compelling.</p> <p>12 Q. Okay. So there were people making videos on</p> <p>13 YouTube. You had some of those people on your show,</p> <p>14 right?</p> <p>15 A. I'm not -- I can't remember.</p> <p>16 Q. Okay. You know who Q.K. Ultra is? Have you</p> <p>17 heard that name?</p> <p>18 A. (No audible response.)</p> <p>19 Q. Do you know who the Independent Media</p> <p>20 Solidarity Group is? Have you ever heard that name?</p> <p>21 A. No.</p> <p>22 Q. Do you know Peter Klein and his film, Let's</p> <p>23 Talk About Sandy Hook?</p> <p>24 A. No.</p> <p>25 Q. Do you know the book Nobody Died at Sandy</p>	<p style="text-align: right;">140</p> <p>1 want to know a question to. Do you even know what</p> <p>2 Mr. Heslin sued you for?</p> <p>3 MR. BARNES: Objection as to this being</p> <p>4 outside of the scope.</p> <p>5 MR. BANKSTON: He's an individual.</p> <p>6 THE WITNESS: This is Scarlett Lewis,</p> <p>7 right?</p> <p>8 MR. BANKSTON: Right. There's no</p> <p>9 30(b)(6) Notice here. He don't have a scope.</p> <p>10 MR. BARNES: Sure there is.</p> <p>11 MR. BANKSTON: If he has personal</p> <p>12 knowledge, he can answer it. Are you instructing him</p> <p>13 not to answer?</p> <p>14 MR. BARNES: It's an objection.</p> <p>15 Q. (BY MR. BANKSTON) Okay. Then you can go</p> <p>16 ahead and answer, Mr. --</p> <p>17 MR. ENOCH: Well, don't tell him there's</p> <p>18 no scope, Mark.</p> <p>19 MR. BANKSTON: I have no idea, Mr. Enoch,</p> <p>20 what you mean. Is there something in the Order that you</p> <p>21 think there's a scope? I don't see a scope.</p> <p>22 MR. ENOCH: The Court said you were</p> <p>23 allowed to ask things consistent with your RFPs.</p> <p>24 MR. BANKSTON: Yeah, whether Mr. Heslin</p> <p>25 was defamed is relevant to my case. You know that. The</p>
<p style="text-align: right;">139</p> <p>1 Hook?</p> <p>2 A. I've not read it.</p> <p>3 Q. Okay. All of these things have been sources</p> <p>4 for you, though, right?</p> <p>5 A. No, I don't think Fetzer, by the time he wrote</p> <p>6 that book, was a source.</p> <p>7 Q. There was a broadcast with Mr. -- discussing</p> <p>8 Mr. Heslin in 2017 about his statements on the Megyn</p> <p>9 Kelly show. Do you know what I'm talking about?</p> <p>10 A. Can you give me specifics?</p> <p>11 Q. Yeah, you were sued over it by Mr. Heslin. Do</p> <p>12 you know what broadcast I'm talking about now?</p> <p>13 A. Well, I mean, what specifically?</p> <p>14 Q. Mr. Jones, do you understand that Neil Heslin</p> <p>15 sued you? Do you understand that?</p> <p>16 A. Well, you're asking me about a specific</p> <p>17 broadcast; and I'm saying: What broadcast?</p> <p>18 Q. Right. First, I'm asking you: Do you</p> <p>19 understand Neil Heslin sued you?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Are you telling me that you don't know,</p> <p>22 sitting here right now, what broadcast he sued you for?</p> <p>23 A. I mean, I'm asking you to give me the</p> <p>24 specifics, like, so you can get me to comment.</p> <p>25 Q. No, I'm asking you right now. That's what I</p>	<p style="text-align: right;">141</p> <p>1 document request was all about Mr. Heslin.</p> <p>2 MR. ENOCH: I --</p> <p>3 MR. BANKSTON: Don't even start this with</p> <p>4 me.</p> <p>5 MR. ENOCH: Let me finish, please.</p> <p>6 MR. BANKSTON: I would rather you not</p> <p>7 because you're not defending this deposition, Mr. Enoch.</p> <p>8 I've had an extraordinary amount of patience with you</p> <p>9 speaking during this deposition, but we're not going to</p> <p>10 do this to you when we defend depositions.</p> <p>11 MR. ENOCH: Do not misrepresent to this</p> <p>12 lawyer that the Judge did not restrict the scope to the</p> <p>13 limit -- limited to the RFPs. Do you agree that he</p> <p>14 limited it to that?</p> <p>15 MR. BANKSTON: No, I don't think so --</p> <p>16 MR. ENOCH: Okay.</p> <p>17 MR. BANKSTON: -- not to an RFP, no, I</p> <p>18 don't think so.</p> <p>19 MR. ENOCH: You don't think so?</p> <p>20 MR. BANKSTON: No, Mr. Enoch, I don't</p> <p>21 think the scope of written discovery on a Request For</p> <p>22 Production was identical to the scope of deposition.</p> <p>23 And many, many times, Mr. Enoch, the Judge said, "No,</p> <p>24 you can't ask that question for a Request For</p> <p>25 Production; but you can just ask it in deposition." So,</p>

<p style="text-align: right;">142</p> <p>1 no, I don't agree with you at all; and I would 2 appreciate it if kept quiet for the remainder of the 3 deposition. You are not defending this deposition. 4 MR. ENOCH: Mr. Bankston, I will speak if 5 it's appropriate for to speak. 6 MR. BANKSTON: It is not appropriate for 7 you to speak. 8 MR. ENOCH: Please don't interrupt me, 9 sir. That's not courteous. 10 MR. BANKSTON: Sir, I'm going to ask you 11 to leave my deposition. 12 Go off the record for a second. 13 MR. ENOCH: No, I do not agree to go off 14 the record. 15 MR. BANKSTON: All right. Don't go off 16 the record. 17 Mr. Enoch, I'm asking you to leave my 18 deposition. You are being obstructive. You are 19 talking. You are not appearing at this deposition. You 20 are not defending it. If you do not agree to be quiet, 21 I'm asking you to leave the deposition. Are you going 22 to stay and be quiet, or am I going to have to ask you 23 to leave? 24 MR. ENOCH: Mr. Bankston, I am not 25 leaving the deposition.</p>	<p style="text-align: right;">144</p> <p>1 Current did. They said that they'd never seen stuff 2 covered up like this. 3 Q. Right. 4 A. I mean, I knew FBI agents and people that 5 said there was something weird going on with it. 6 Q. One of them was his uncle, right? 7 A. Yes, Rob Dew's uncle, right. 8 Q. Yeah. He was up there with Mr. Halbig and 9 Mr. Bidondi and Mr. Reich. 10 A. We didn't even know he was going. 11 Q. Right. I'm not saying you did. I'm saying he 12 was up there? 13 A. Yep. 14 Q. Yeah. 15 A. Career, retired FBI, yep. 16 Q. Right. With Mr. Halbig and Mrs. Kay Wilson, 17 Mr. Bidondi -- 18 A. There was a big City Council meeting there. 19 Q. Yeah. Mr. Reich was there? 20 A. I don't know who those folks are. 21 Q. Okay. Now, Mr. Dew, he has been frequently 22 sent as the news director of InfoWars -- hold on. Let 23 me back that up because I'm making an assumption. 24 Mr. Dew's the news director of InfoWars? 25 A. For some of the programs. We don't do the</p>
<p style="text-align: right;">143</p> <p>1 MR. BANKSTON: Then you're going to stay 2 quiet. 3 MR. ENOCH: Would you like to continue 4 your deposition? 5 MR. BANKSTON: I am. And if you leave 6 again -- if you keep speaking, I guarantee you I will 7 seek sanctions against you, Mr. Enoch. 8 Q (BY MR. BANKSTON) Mr. Jones, does -- 9 interactions with readers and viewers, that tends to 10 help drive what you do on the show, right? 11 A. Somewhat. 12 Q. I mean, if viewers want you to cover 13 something, that's a motivator for you to cover it? 14 A. Sometimes. Not so much. 15 Q. And, in fact, you've said about Sandy Hook, 16 "This is what our viewers wanted us to cover. That's 17 why we were covering it." 18 A. Yes, it was an Internet sen -- a big deal 19 early on. 20 Q. And, in fact, when you weren't covering it so 21 much, whenever you stopped covering it for a little bit, 22 your viewers would get upset. And they'd be like, "Why 23 aren't you covering Sandy Hook; it's a hoax"? 24 A. Yes, people, the public -- the public in 25 general had major questions. I mean, even the Hartford</p>	<p style="text-align: right;">145</p> <p>1 nightly news anymore; but he was directing those shows, 2 yes. 3 Q. Okay. So Mr. Dew had been, over the years, 4 sent e-mails and communications and tweets from Sandy 5 Hook debunkers. Do you know what I mean when I say 6 that? 7 A. Yes. 8 Q. Okay. And Mr. Dew had been told by these 9 people, "What you're saying is wrong. You need to stop 10 saying it. Here's the real truth"? You understand -- 11 A. Oh, I thought you meant debunkers debunking 12 the official story. 13 Q. No, I mean those who were debunking what you 14 were saying about Sandy Hook. 15 A. Yes, and then we would offer for them to come 16 on air and cover what they said. 17 Q. And, in fact, you had been given information 18 by them; they had given you information? 19 A. And we put it on air. 20 Q. And you had a debate with a guy named Keith 21 Johnson, right? 22 A. I don't think I did. 23 Q. Well, okay. So there was a debate hosted on 24 InfoWars between Keith Johnson and Mr. Halbig? 25 A. Was that the -- I forget the name of the</p>

<p style="text-align: right;">146</p> <p>1 newspaper guy. I can't remember the name.</p> <p>2 Q. Well, Keith Johnson, he's a former InfoWars</p> <p>3 contributor, right?</p> <p>4 A. Well, there's a lot of articles that people</p> <p>5 contribute, whether a letter to the editor or --</p> <p>6 Q. That's not what I'm not talking about,</p> <p>7 Mr. Jones. Keith Johnson was a paid contributor to</p> <p>8 InfoWars?</p> <p>9 A. Not to my memory.</p> <p>10 Q. Okay. So there was this debate that Mr. Dew</p> <p>11 hosted, and would you agree with me that was sometime</p> <p>12 around 2015?</p> <p>13 A. I don't remember.</p> <p>14 Q. Okay. Mr. Dew, in addition to those debates,</p> <p>15 has been provided written information from a lot of</p> <p>16 these debunking people seeking to stop the allegation</p> <p>17 that it's a hoax. You would agree with that?</p> <p>18 A. Yes. There was a big Internet fight going on,</p> <p>19 and we were showing both sides.</p> <p>20 Q. Right. And so in terms of information about</p> <p>21 these anomalies, some of the things that I've been</p> <p>22 showing you today were in Mr. Dew's possession, correct?</p> <p>23 MR. BARNES: Objection as to form.</p> <p>24 A. I don't understand. There's been an ongoing</p> <p>25 debate back and forth on these issues.</p>	<p style="text-align: right;">148</p> <p>1 know, these debates in this; and I'm trying to state --</p> <p>2 what I'm saying is we invited everybody on. We had</p> <p>3 debates. And if I remember that debate correctly, isn't</p> <p>4 that when Halbig really got mad was because we pretty</p> <p>5 much, you know, disagreed with him?</p> <p>6 MR. BANKSTON: Can you scroll up?</p> <p>7 (The reporter complies.)</p> <p>8 THE WITNESS: I mean, I'm really trying</p> <p>9 to be helpful.</p> <p>10 Q. (BY MR. BANKSTON) Mr. Jones, I asked you: Do</p> <p>11 you know C.W. Wade?</p> <p>12 A. I don't know him, no.</p> <p>13 Q. Thank you, sir.</p> <p>14 I want to talk a little bit about</p> <p>15 InfoWars, LLC. Have you ever taken money from InfoWars,</p> <p>16 LLC?</p> <p>17 MR. BARNES: Objection. And my</p> <p>18 instruction is to privacy. Unless it's Sandy Hook</p> <p>19 specific or relevant, I'll instruct the witness not to</p> <p>20 answer consistent with the constitutional right to</p> <p>21 privacy protected under both the Texas Constitution and</p> <p>22 the United States Constitution.</p> <p>23 MR. BANKSTON: Wow. Okay. We'll take</p> <p>24 that up another day, I guess. Wow.</p> <p>25 MR. BARNES: I mean, I can go to other</p>
<p style="text-align: right;">147</p> <p>1 Q. (BY MR. BANKSTON) Okay. Do you know who a</p> <p>2 person named C.W. Wade is?</p> <p>3 A. No.</p> <p>4 Q. Okay. You've never heard of that person's</p> <p>5 debunking efforts about what you've been saying?</p> <p>6 A. I've told you, like, I don't live, eat,</p> <p>7 breathe, sleep, this stuff.</p> <p>8 Q. I get you. I'm just asking questions.</p> <p>9 A. I'm just really -- if I had it all over to do,</p> <p>10 I'd do a better job; but I didn't do it on purpose be</p> <p>11 malicious. And everybody wanted to have debates about</p> <p>12 it; and I said years ago -- probably, like, five years</p> <p>13 ago I said, "No more of this. I'm sick of it. It's a</p> <p>14 tar baby. I think it probably happened."</p> <p>15 But then we'd see stuff in the cover-up</p> <p>16 and them never releasing documents and the Hartford</p> <p>17 Current saying, "It looks like a cover-up's going on.</p> <p>18 We don't think it's a hoax; but, you know..."</p> <p>19 And so it's just a tar baby. I'm sick of</p> <p>20 it. And so that's why there's so many apologies and</p> <p>21 statements that I'm sorry, you know, that I was even</p> <p>22 ever covering it because I don't want it to be my</p> <p>23 identity. I'm tired of it.</p> <p>24 Q. What question are you answering?</p> <p>25 A. I mean, I'm answering your question about, you</p>	<p style="text-align: right;">149</p> <p>1 cases if you want me to.</p> <p>2 MR. BANKSTON: I mean, I don't at all,</p> <p>3 Mr. Barnes.</p> <p>4 Q. (BY MR. BANKSTON) InfoWars, LLC, has it ever</p> <p>5 had any money?</p> <p>6 MR. BARNES: Objection, same instruction</p> <p>7 to the witness not to answer on the grounds of privacy.</p> <p>8 Q. (BY MR. BANKSTON) What is InfoWars, LLC?</p> <p>9 A. I don't believe it's even an operating</p> <p>10 company.</p> <p>11 Q. So it's your allegation it's not an active</p> <p>12 corporation by the Secretary of State?</p> <p>13 A. You know, I'm not the expert on this. So I</p> <p>14 probably shouldn't answer it because I don't want to</p> <p>15 state it wrong, but I...</p> <p>16 Q. Okay. You made InfoWars, LLC; you created it?</p> <p>17 A. You know, I'm not one of the lawyers. So I</p> <p>18 don't want to answer it wrong.</p> <p>19 Q. Nobody else is involved. It's nobody else's</p> <p>20 company, right?</p> <p>21 MR. BARNES: Objection and instruct the</p> <p>22 witness not to answer on the grounds of privacy that</p> <p>23 could also invade the privacy of third parties.</p> <p>24 MR. BANKSTON: Okay.</p> <p>25 Q. (BY MR. BANKSTON) InfoWars, LLC, what does it</p>

<p style="text-align: right;">150</p> <p>1 do? What has it ever done as a business?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. Do you have any job duties at InfoWars,</p> <p>4 LLC?</p> <p>5 A. I mean, as you heard, I'm not going to get</p> <p>6 into structure of things. Plus, I'm not a CPA or a</p> <p>7 lawyer. I don't want to say it wrong.</p> <p>8 Q. Okay. Have you ever had job duties at</p> <p>9 InfoWars, LLC in the past?</p> <p>10 A. I don't want to say -- I mean, I think I'm the</p> <p>11 only -- it's -- I'm the sole person.</p> <p>12 Q. Has InfoWars, LLC ever had an office?</p> <p>13 A. I really don't understand. I don't know what</p> <p>14 you're getting at.</p> <p>15 Q. Do you know what an office is?</p> <p>16 A. No, I don't understand. Like, you're asking</p> <p>17 me whether a corporation has an office.</p> <p>18 Q. Uh-huh.</p> <p>19 A. The company has offices at Free Speech</p> <p>20 Systems.</p> <p>21 Q. Well, so if I was to ask you: Does Free</p> <p>22 Speech Systems have an office, the answer's "yes"?</p> <p>23 A. I think, yeah, it's on the letterhead, yeah,</p> <p>24 that's what...</p> <p>25 Q. Okay. Let's try InfoWars. Does InfoWars, LLC</p>	<p style="text-align: right;">152</p> <p>1 THE WITNESS: Can I have a water, please?</p> <p>2 Thanks.</p> <p>3 MR. ENOCH: Sure. There's not an extra</p> <p>4 cup.</p> <p>5 THE WITNESS: It's fine.</p> <p>6 MR. ENOCH: I'll just give you a coffee</p> <p>7 cup.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 Is it okay to break for ten minutes and</p> <p>10 eat?</p> <p>11 MR. BANKSTON: Yeah. You know what, this</p> <p>12 is not a bad spot. We're at 3:30 right now.</p> <p>13 THE WITNESS: Thanks. All I need is ten</p> <p>14 minutes.</p> <p>15 MR. BANKSTON: Ten or fifteen is fine. I</p> <p>16 mean, if we can come back here by 3:50, I can get us out</p> <p>17 of here before 5:00.</p> <p>18 THE VIDEOGRAPHER: Off the record at</p> <p>19 3:29 p.m.</p> <p>20 (Off the record from 3:29 to 3:42 p.m.)</p> <p>21 THE VIDEOGRAPHER: We're back on the</p> <p>22 record at 3:42 p.m.</p> <p>23 Q (BY MR. BANKSTON) When was the last time you</p> <p>24 did anything for InfoWars, LLC?</p> <p>25 A. I'm sorry. I can't accurately answer that.</p>
<p style="text-align: right;">151</p> <p>1 have an office?</p> <p>2 A. You know, I don't want to inaccurately answer</p> <p>3 that, so I can't.</p> <p>4 Q. Okay. Who would be the person at InfoWars,</p> <p>5 LLC who could answer that?</p> <p>6 A. You know, the corporation got set up a long</p> <p>7 time ago; and I'm not sure who you'd ask those</p> <p>8 questions.</p> <p>9 Q. Okay. Now, when it comes to Free Speech</p> <p>10 Systems, LLC, you're the boss?</p> <p>11 A. Uh-huh.</p> <p>12 Q. There's nobody with more power at Free Speech</p> <p>13 Systems, LLC than you?</p> <p>14 A. I make all the major decisions. I'm the --</p> <p>15 the buck stops with me.</p> <p>16 Q. You make final call on anything that goes to</p> <p>17 air?</p> <p>18 A. I mean, I don't sit there and watch over</p> <p>19 everything. I try to have good people that are smart</p> <p>20 and are trying to tell the truth.</p> <p>21 Q. But, I mean, you have the authority. If</p> <p>22 something's going to air and you find out and you don't</p> <p>23 want it on air, you can stop it?</p> <p>24 A. Yes. I told you: The buck stops with me.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">153</p> <p>1 Q. Was InfoWars, LLC in the news business?</p> <p>2 A. I don't think I can accurately answer that.</p> <p>3 Q. We've talked a lot about Free Speech Systems</p> <p>4 employees today, like Mr. Dew. Did Mr. Dew ever do</p> <p>5 anything for InfoWars, LLC?</p> <p>6 A. InfoWars, LLC's a real corporation. It's</p> <p>7 inactive. And it was set up to deal with something like</p> <p>8 intellectual properties or something, like, ten years</p> <p>9 ago; and that was just kind of like a basic corporate</p> <p>10 structure. It's pretty standard, I'm told; but I'm not</p> <p>11 a lawyer. And so -- but, I mean, it's filed with the</p> <p>12 State. It's up to date. It's just not -- I think the</p> <p>13 things we were going to do with it we never did fully.</p> <p>14 I think that's -- but I'm not a lawyer, but that's the</p> <p>15 best of my understanding of that.</p> <p>16 MR. BANKSTON: Object as nonresponsive.</p> <p>17 Q. (BY MR. BANKSTON) I asked you if Mr. Dew had</p> <p>18 ever done anything for InfoWars, LLC. Is that "yes" or</p> <p>19 "no"?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Okay. What about -- help me with this name --</p> <p>22 Tim Fruge?</p> <p>23 A. "Fruge."</p> <p>24 Q. "Fruge." Did Tim Fruge do anything for</p> <p>25 InfoWars, LLC?</p>

<p style="text-align: right;">154</p> <p>1 A. No.</p> <p>2 Q. Does InfoWars, LLC have anything to do with</p> <p>3 the InfoWars, LLC website?</p> <p>4 A. I don't want to state it wrong, but I think</p> <p>5 so. Yeah, I think that's the whole point is that</p> <p>6 different things had a different company.</p> <p>7 Q. Okay. Regarding sourcing, would you put</p> <p>8 information on the air from a source if nobody at</p> <p>9 InfoWars knew their identity?</p> <p>10 A. No, not generally.</p> <p>11 Q. Okay. And that's because if you can't verify</p> <p>12 their identity of who's telling you the information, you</p> <p>13 can't assess its credibility, can you?</p> <p>14 A. Well, if we got an anonymous call that there</p> <p>15 had been a gas explosion in South Austin, we'd go see if</p> <p>16 that was the case or if we looked up and saw smoke, not</p> <p>17 that I'd normally cover something like that; but we've</p> <p>18 actually got calls like that before.</p> <p>19 Like, the morning of 9/11 I got a call,</p> <p>20 "Hey, have you seen that something flew into The World</p> <p>21 Trade Center?"</p> <p>22 Q. Sure.</p> <p>23 A. I mean, it was just -- so it's not -- I'm</p> <p>24 trying to answer the question simply. But if somebody</p> <p>25 calls up and say somebody's a bank robber and there's no</p>	<p style="text-align: right;">156</p> <p>1 nondisclosure agreement. You were asking sources on</p> <p>2 Vegas, and we have particularly good ones on that.</p> <p>3 Q. Okay.</p> <p>4 A. And then...</p> <p>5 Q. But in terms of your legal obligations, that's</p> <p>6 also something you're not prepared to talk about today?</p> <p>7 A. Yes. I had to sign a nondisclosure agreement</p> <p>8 before I was allowed to see something.</p> <p>9 Q. Okay. I want to ask you a little bit more</p> <p>10 about Wolfgang Halbig. Now, Wolfgang Halbig was a</p> <p>11 former security officer at a school, correct?</p> <p>12 A. Yes.</p> <p>13 Q. He has sold security plans and security</p> <p>14 consulting services across the nation, correct?</p> <p>15 A. Yes.</p> <p>16 Q. He was one of the -- you would agree with me</p> <p>17 he was one of the most aggressive people in trying to</p> <p>18 publicize the idea that Sandy Hook was a fake?</p> <p>19 A. Yes.</p> <p>20 Q. How did you meet?</p> <p>21 A. I never met him -- well, no. I don't know if</p> <p>22 he's ever been in the studio. I've never met him. It</p> <p>23 all blurs, with Skype or audio; but I don't remember.</p> <p>24 Q. So your conversations with him generally</p> <p>25 aren't face to face?</p>
<p style="text-align: right;">155</p> <p>1 evidence of that, we don't cover it. 99 percent of the</p> <p>2 time we report on what is already in the news or</p> <p>3 something that's said in Congress or something that is</p> <p>4 already out there and we just give our comment on it.</p> <p>5 Q. Let me go back to your example. Say you got</p> <p>6 an anonymous call that in South Austin there'd been an</p> <p>7 explosion, right? You would take steps to confirm that</p> <p>8 that explosion had occurred? Send somebody over there?</p> <p>9 A. Yes.</p> <p>10 Q. And in corroborating, once you were -- felt</p> <p>11 confident that there was an explosion, then at that</p> <p>12 point you should notify the public because that could</p> <p>13 save lives, couldn't it?</p> <p>14 A. Sure, yes.</p> <p>15 Q. Okay. Now, if an anonymous person called you</p> <p>16 and told you that there was an explosion and you didn't</p> <p>17 send anybody out to go confirm the explosion, reporting</p> <p>18 the explosion on the air could cause problems, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Let me just ask you really quick going</p> <p>21 back to this nondisclosure agreement that we discussed</p> <p>22 earlier that you can't tell me about the identity or the</p> <p>23 subject matter. Okay? I do want to know: What did you</p> <p>24 agree to do?</p> <p>25 A. I can't get into the specifics of the</p>	<p style="text-align: right;">157</p> <p>1 A. They were on air.</p> <p>2 Q. On your radio or web show, you mean? Those</p> <p>3 are the places you would typically talk to Wolfgang?</p> <p>4 A. Yes, uh-huh.</p> <p>5 Q. Did you ever communicate in any other ways?</p> <p>6 A. I vaguely remember talking to him on the phone</p> <p>7 a couple of times.</p> <p>8 Q. Okay. Do you think you've ever e-mailed</p> <p>9 Wolfgang Halbig?</p> <p>10 A. I think we've responded back to his e-mails,</p> <p>11 yes.</p> <p>12 Q. Okay. And he's e-mailed people on your staff?</p> <p>13 A. A lot.</p> <p>14 Q. A lot. What did you do to vet him? How did</p> <p>15 you assess his credibility?</p> <p>16 A. We looked him up and he'd been on national</p> <p>17 television as an expert and he'd been with the state</p> <p>18 police and then he'd been a security -- head of security</p> <p>19 at a school. And at first a lot of what he said</p> <p>20 sounded -- he was more credible, and I think he</p> <p>21 genuinely believed what he was saying. And then he had</p> <p>22 that professor coming out from Florida -- I forget his</p> <p>23 name -- and just a bunch of other people. It was just a</p> <p>24 big firestorm on the Internet and we covered that</p> <p>25 firestorm and I gave my opinions on it.</p>

<p>158</p> <p>1 Q. So what I think I'm hearing from you is he's 2 been on TV? He was --</p> <p>3 A. Well, no. I mean, he was a state police 4 officer and then he was the head of school security at a 5 school and then he was a nationally recognized -- as 6 least according to the big national shows I saw, I guess 7 that were mainstream; they must have vetted it -- that 8 he was this really big credible guy.</p> <p>9 Q. So are you saying that he had a resume of such 10 that you did not feel the need to fact-check or 11 corroborate his allegations?</p> <p>12 MR. BARNES: Objection as to form.</p> <p>13 A. We did try to fact-check it; but because there 14 was such a wall of secrecy up around it, around Sandy 15 Hook, that the Hartford Current and others noted, 16 unprecedented, that allowed that darkness for, you know, 17 things not to be checked out.</p> <p>18 Q. (BY MR. BANKSTON) Well, let's take them one 19 by one. Mr. Halbig said the thing about the 20 Port-A-Potties, right? Do you know what I'm talking 21 about, the Port-A-Potties?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. That wasn't hidden behind a cloak of 24 secrecy. That's in a video that's been public for six, 25 seven years, right?</p>	<p>160</p> <p>1 Way with Mr. Halbig?</p> <p>2 A. I don't remember some things I talked about 3 two weeks ago on my show.</p> <p>4 Q. Definitely you don't remember him almost 5 getting in a brawl with a fireman at a firehouse in 6 Newtown?</p> <p>7 A. No.</p> <p>8 Q. You certainly knew he was harassing parents up 9 there?</p> <p>10 A. No. I remember hearing that there were some 11 fracasas going on; and that's when I said, "I don't want 12 to have him on the show anymore."</p> <p>13 Q. And then e-mailed about his associate, 14 Jonathan Reich, who was up there with Mr. Bidondi and 15 Mr. Halbig, getting arrested for harassing a Sandy Hook 16 parent? You knew about that?</p> <p>17 A. Vaguely aback at the time.</p> <p>18 Q. Yeah, you know who Jonathan Reich is, don't 19 you? That's been told to you plenty of times.</p> <p>20 Mr. Halbig tried to get you to support his case, right?</p> <p>21 A. He sent thousands of e-mails. I haven't read 22 any of them, really.</p> <p>23 Q. You know who Lucy Richards is, don't you?</p> <p>24 A. No.</p> <p>25 Q. Even today, you don't -- sitting here today,</p>
<p>159</p> <p>1 A. Well, I don't think that that piece of 2 information has been proven one way or the other. I 3 think they did deliver Port-A-Potties pretty quick.</p> <p>4 Q. EMTs were in the building, right? And that's 5 been public for six or seven years.</p> <p>6 A. Most of those reports were blacked out.</p> <p>7 Q. You know EMTs were in the building? That's 8 borne out in multiple reports.</p> <p>9 A. In the report itself, the police officer said 10 it didn't look normal; things didn't look right. That 11 was the kind of thing we were reading.</p> <p>12 Q. Okay, Mr. Jones. You know about what 13 Mr. Halbig did up in Newtown, right? You know about his 14 activities there?</p> <p>15 A. Earlier you played the Bidondi tape. That was 16 Bidondi saying those things, you notice. So I'm not 17 sure what you're going to ascribe to me that I'm not 18 involved in. I don't know what Bidondi did in Newtown 19 after a certain -- after about a year or so.</p> <p>20 Q. You know he almost got arrested at the United 21 Way. You know about that, right?</p> <p>22 A. No.</p> <p>23 Q. You've talked about that on your show.</p> <p>24 A. I don't remember.</p> <p>25 Q. You don't remember what happened at the United</p>	<p>161</p> <p>1 you don't know who Lucy Richards is?</p> <p>2 A. I don't.</p> <p>3 Q. Okay. You don't know that there was a woman, 4 an InfoWars follower, who went to Federal prison for 5 stalking and threatening to kill Sandy Hook parents and 6 that she's now barred from ever seeing InfoWars again by 7 court order?</p> <p>8 A. I read about a woman and the media alleging 9 that.</p> <p>10 Q. And you know that happened in central Florida 11 very shortly after you disclosed Mr. Pozner's personal 12 e-mail address and maps to where he picks up his mail; 13 you know that, right?</p> <p>14 A. No, I do not.</p> <p>15 Q. Okay. You didn't know where that occurred?</p> <p>16 A. No, I did not do what you said I did.</p> <p>17 Q. Okay. One of the things that you told me, 18 Mr. Jones, is that Sandy Hook has been one-tenth of 19 1 percent of what InfoWars covered, correct?</p> <p>20 A. Yes.</p> <p>21 Q. How did you determine that?</p> <p>22 A. It's a dead reckoning. I mean, if you look at 23 four hours on average a day, five days a week, a couple 24 of hours on the weekend or more, probably three or four 25 every weekend, you add -- I mean, I've sat there and</p>

<p style="text-align: right;">162</p> <p>1 added it up and talked to everybody around the office, 2 it's like we covered it. You know, somewhere it 3 happened and we're into it and then it was just all over 4 the Internet with debates back and we looked it up and 5 went over the videos and maybe there were part of maybe 6 20 shows or so. And then you look at some were, like, 7 usually 30 minutes to an hour; some were a little 8 longer. And then you add that to just the 300 and 9 something days a year we're on air -- 340 or so, I'd 10 say -- and you look at all that and you add it into all 11 the shows and everything and it's just, like, tiny. 12 And then once Hillary announces that it's 13 my identity, then the media kind of just took who I was 14 at InfoWars and applied it to everybody else; and then 15 just the whole thing became this big tornado. And, I 16 mean, I -- so in this instance it's been somewhat more 17 of me responding to it and things. 18 And then when the media was editing what 19 I was saying to make it look like I was, you know, 20 making statements that they wanted to be hearing so it 21 could be an ongoing thing. 22 And I really woke up when Parkland 23 happened and they said that I was saying nobody died and 24 they were all actors. I was like, "Whoa," because I was 25 dead clear on that when that happened. I just said they</p>	<p style="text-align: right;">164</p> <p>1 to us. 2 A. Videos from where? 3 Q. From you. 4 A. No, from after -- after you and other law 5 firms lobbied to have us taken off the Internet, which 6 had the index of it on YouTube and other platforms, like 7 Roku, "Oh, he's doing it right now. Get it off right 8 now. He's coming after the kids right now," knowing 9 full well that's not going on. 10 You're lobbying against the First 11 Amendment and you are then at the same time trying to 12 take down all of what I really said and then edit things 13 together and that's the only record. And we went and 14 looked. There's maybe 20 shows, maybe another probably 15 50 times callers calling up. That's what we know of. 16 I'm sure there's more we don't know about. And we added 17 all that together with a calculator and we looked at the 18 number and it's literally not even one -- maybe 19 one-tenth of 1 percent of all the air time we've done is 20 Sandy Hook. 21 Q. So you found some shows, 20 something shows 22 with Sandy Hook in it? 23 A. That's a dead reckoning, but yes. 24 Q. Why haven't you given them to me, Mr. Jones? 25 MR. BARNES: Objection and, in fact --</p>
<p style="text-align: right;">163</p> <p>1 picked the kids from the drama club that they 2 interviewed, saying, "We're in the drama club, and we're 3 anti-guns." And I said that they picked good-looking, 4 well-spoken people out of 3,000 who wanted to be the 5 spokespersons against guns. That didn't mean that the 6 event didn't happen. 7 And I did -- we did break that the police 8 stood down, and that's now come out. I don't know why 9 they stood down. We did point that out. 10 So I really was like: Whoa. You're not 11 going to say every mass shooting that happens that I'm 12 saying it didn't happen. 13 MR. BANKSTON: Can you scroll back to my 14 question? 15 (Reporter complies.) 16 THE WITNESS: That was the scary point 17 when every mainstream media was like -- I was like: 18 Wow, these people really are crooks. 19 MR. BANKSTON: Thank you. 20 Q. (BY MR. BANKSTON) Here's my question, 21 Mr. Jones: How in the world would you know how much 22 you've covered Sandy Hook, one-tenth of 1 per -- 10 23 percent [sic] when we, the Plaintiffs, have asked you to 24 produce us every video that has Sandy Hook in the title; 25 and you can't even do that? You haven't produced those</p>	<p style="text-align: right;">165</p> <p>1 A. We have given you everything we could find. 2 Q. (BY MR. BANKSTON) Because the truth is you 3 can't even search by title, can you? You don't have an 4 index. You have no idea, correct? You can't search by 5 title? 6 A. No, but we have -- we -- well, actually, we do 7 have it. It's Prism planted on tv, and we can search. 8 And we searched all the names they had in the title, but 9 that doesn't mean that a caller didn't call in and it 10 didn't get said somewhere, but we've done the best we 11 can to go through all that stuff. 12 Q. Really? If you go to tvinfowars.com and you 13 search Sandy Hook Vampires Exposed, that'll come up? 14 A. tv.infowars.com is a defunct URL that pointed 15 at Prism planted, not tv. 16 Q. Okay. 17 A. So -- and you know that. We've put -- there 18 was a big deal about that. 19 Q. Yeah, I just got sent a link that said -- 20 A. Okay. Well, let me -- listen. We've never -- 21 we don't take our stuff down unless Twitter -- because 22 the lawyers on your side complain and say, "He's doing 23 this. Take it down." And then Twitter doesn't take 24 your stuff down; they order you to. 25 Q. Uh-huh.</p>

<p style="text-align: right;">166</p> <p>1 A. Okay? But that's the same thing as taking it 2 down. 3 Q. And when that happened, Mr. Dew, when he tried 4 to preserve that, when he deleted that stuff -- 5 A. No, we had it preserved when we did it. 6 Q. Yeah, but he said in his affidavit he lost 7 user comments, didn't he? 8 A. Those are us. Twitter's us, not user 9 comments. 10 Q. No, I know. There's user comments on your 11 Twitter threads, and they were lost when you deleted 12 them, weren't they? 13 A. You guys were the ones lobbying to have me 14 taken off the Internet. 15 Q. I'm not --- I don't care about any of that. 16 I'm just asking you: Were those deleted? 17 A. (No audible response.) 18 Q. Those comments are lost and will never be 19 recovered and Mr. Dew admits it. 20 A. Sandy Hook lobbied to have my Twitter taken 21 down. The whole thing was taken down. 22 Q. I know. And you didn't do anything to 23 preserve it before that happened, did you? 24 A. Oh, so you get it taken down; and then it's my 25 fault?</p>	<p style="text-align: right;">168</p> <p>1 A. Yes, we did. It's all -- I think that stuff's 2 saved on their site. The full service is to copy it. 3 What you're saying's not true. 4 Q. And Mr. Dew admits that in his affidavit, that 5 InfoWars didn't save that in its local capture, it 6 didn't, right? 7 MR. BARNES: Objection, calls -- as to 8 form. 9 A. I'm not an IT person. I can't accurately 10 answer all that. 11 Q. (BY MR. BANKSTON) Okay. So in terms of 12 whether InfoWars failed to preserve evidence that might 13 be relevant to this claim, you're not the right person 14 to ask? 15 MR. BARNES: Objection as to form. 16 A. I mean, I think despite the -- according to 17 effort by the media and universally establishment to 18 take all our content offline, we've done a pretty good 19 job of saving almost all of it at infowars.com and at 20 prismplay.com. So that's really not an accurate 21 statement. 22 Q. (BY MR. BANKSTON) But you can't even search 23 it by title? You have no idea how many videos have 24 Sandy Hook in the title? 25 MR. BARNES: Objection as to form.</p>
<p style="text-align: right;">167</p> <p>1 Q. No. I'm asking you: When did -- you 2 reasonably anticipated litigation the moment you were 3 sued, right? When you were sued on April of 2018, you 4 knew that all that information was relevant, right? 5 MR. BARNES: Objection, calls -- as to 6 form. Also objection to the degree any of the questions 7 are asking about attorney-client communications, then 8 you're instructed not to answer to disclose any 9 information that comes from attorney-client 10 communications. 11 Q. (BY MR. BANKSTON) Let me ask it a different 12 way, Mr. Jones -- 13 A. We sent letters to Twitter and to Google 14 requesting that they not take us down and that they save 15 it. When they did, we said, "Please turn it back on or 16 give us the full records." 17 Q. Let me make it very clear. After you were 18 sued, the information existed; it was available to you. 19 And then, later, it was deleted; and those comments are 20 gone. That's true? 21 MR. BARNES: Objection as to form. 22 A. By Twitter. Twitter took the account down. 23 Q. (BY MR. BANKSTON) Right. I understand that. 24 So before Twitter took that account down, you took no 25 efforts to preserve any of that information?</p>	<p style="text-align: right;">169</p> <p>1 Q. (BY MR. BANKSTON) We know there's videos of 2 Sandy Hook in the title that don't show up on these 3 planetinfowars searches, right? We know that. 4 MR. BARNES: Objection as to form. 5 A. There's no planetinfowars. 6 Q. (BY MR. BANKSTON) Whatever you want to call 7 it, Mr. Jones, you have a video archive that's up right 8 now, right? You have a video archive that's searchable 9 online. Do you agree or disagree? 10 MR. BARNES: Objection as to form. 11 A. Yes. 12 Q. (BY MR. BANKSTON) Okay. On that archive 13 there are videos that have been produced in this lawsuit 14 with Sandy Hook in the title that are not in that 15 archive? 16 A. Well, that's because you're getting other 17 people's videos offline. Like, you get them from Media 18 Matters and then you say that's our video and then you 19 want us to produce someone's edited video. 20 Q. Sorry, Mr. Jones. When you upload a video to 21 YouTube, you choose the title, don't you; or does 22 YouTube give you the title? 23 A. I don't think you understand. 24 Q. No. So let's take an example of a video. 25 Sandy Hook Narratives, False Narratives Versus the</p>

<p style="text-align: right;">170</p> <p>1 Realty, a video that has that title should be showing up 2 in your archives, right? That's what you're saying? 3 A. The vast majority of videos of us are not us. 4 Other people get our videos and then put them together 5 with other things. You understand that. 6 Q. No, no, Mr. Jones, that's not what I'm saying. 7 Do you have Mr. Zipp's affidavit in front 8 of you? Hold on. No, in fact, Mr. Jones, I don't need 9 to make you run back through that. Let's not even worry 10 about it. 11 I've just got a couple more questions for 12 you, Mr. Jones. The year before you were sued, you said 13 that, "Everything I've heard is that the parents weren't 14 allowed to touch the children." Who did you hear it 15 from, and what did they say? 16 MR. BARNES: Objection as to form. 17 A. I don't know the specifics of what you're 18 talking about, so I don't want to state something 19 incorrectly. 20 Q. (BY MR. BANKSTON) Okay. So this statement, 21 everything you've heard is that the parents weren't 22 allowed to touch the children, you can't comment on that 23 today? 24 MR. BARNES: Objection as to the form. 25 A. I don't want to state it exactly -- I want it</p>	<p style="text-align: right;">172</p> <p>1 Q. What being on the news? 2 A. The helicopter and the man behind the school 3 and the report of the guy in the SWAT gear and the 4 police saying they arrested him, and later they said 5 they didn't. 6 Q. Yeah, two reporters with cameras made reports 7 about that. There's no man in SWAT gear in that video, 8 is there? That's just something you made up. 9 A. Nope, I didn't make it up. 10 Q. So you think you can produce to me a video of 11 a man in SWAT gear in the woods? 12 A. I remember that's what was being reported on 13 the news. 14 Q. Okay. So now it's not you saw it in a video. 15 Now, it's somebody else saying it? 16 A. But I remember seeing a guy and it looked like 17 in the video that he was in camo and black. 18 Q. Okay. First of all, camo and black, what does 19 that mean? He had camo pants on? 20 A. I mean, I would tend to think that means kind 21 of a paramilitary outfit. 22 Q. Okay. So anybody you see who has camo pants 23 on when you're walking down the street, you're like: 24 That guy's paramilitary? 25 MR. BARNES: Objection --</p>
<p style="text-align: right;">171</p> <p>1 to be exactly right or I don't want to state it. So 2 that's -- I mean, you say everything I've heard. I 3 don't know the specifics, but I remember complaints and 4 things that the parents couldn't get to their kids until 5 they'd been taken later to the morgue and things like 6 that. 7 Q. (BY MR. BANKSTON) Can you show me any one 8 human being in the world who told you the parents 9 weren't allowed to touch the children? 10 A. I believe that was in the newspapers. 11 Q. Okay. What about, "They're finding people in 12 the back woods that are dressed up in SWAT gear"? 13 That's not true, is it? 14 A. I saw it on the national news. 15 Q. You saw somebody in SWAT gear in the woods? 16 A. Yeah, black and camouflage. The police 17 arrested him and there was a SWAT drill in the area. 18 Q. No, Mr. Jones. I'm asking you: Did you see a 19 video of a man in SWAT gear being arrested? 20 A. I saw them -- the helicopter talking about 21 him, and they said they later arrested a man. 22 Q. So when you told your audience he was dressed 23 up in SWAT gear, that's just something you made up, 24 isn't it? There's nobody dressed up in SWAT gear? 25 A. I do remember that being on the news.</p>	<p style="text-align: right;">173</p> <p>1 Q. (BY MR. BANKSTON) Is that your belief? 2 MR. BARNES: Objection as to the form. 3 A. I really -- I told you what my memory is. 4 Q. (BY MR. BANKSTON) Is it fair to describe any 5 gentleman wearing camo pants as being dressed in SWAT 6 gear? Do you think that's an honest and accurate way to 7 describe that? 8 MR. BARNES: Objection as to the form. 9 A. Yeah, I think that's a fair way to describe 10 it. 11 Q. (BY MR. BANKSTON) Oh, so you -- what I'm 12 trying to get at, Mr. Jones, is: You don't think saying 13 that a man who is dressed up in SWAT gear found behind 14 the school when he's not actually wearing any SWAT gear 15 is in any way alarmist or dangerous to say? 16 MR. BARNES: Objection as to the form. 17 Q. (BY MR. BANKSTON) Oh, you can answer, 18 Mr. Jones. 19 A. I mean, this is like seven years ago, so I'm 20 trying to remember. I mean, I remember seeing the guy 21 in looked like what I'd call police gear, kind of 22 paramilitary gear. I remember, like, camo and black or 23 something. I'm not -- again, I'm not living this every 24 day. I'm not -- and I -- and I'm very sad for folks, 25 you know, who have had to go through it and I'm sorry</p>

<p style="text-align: right;">174</p> <p>1 for tragedies. And I kind of feel sorry for you having 2 to live through it all the time and knowing every detail 3 and every angle and everything else, but I just... 4 Q. It's hard. 5 Mr. Jones, what we were just talking 6 about, men being arrested in SWAT gear in the woods -- 7 A. I don't think I said "men." If I said that, I 8 misspoke. 9 Q. Okay. Well, even if you said "man" in SWAT 10 gear in the woods, you said that just a year before you 11 were sued. That's not seven years ago, is it? 12 A. I was going over why people had -- the 13 anomalies -- some accurate, some not accurate -- why 14 people had questions. 15 Q. Yeah, but it's real recent, Mr. Jones. This 16 thing about, "Oh, it was seven years ago, I can't" -- 17 that was just three -- 18 A. I questioned Jussie Smollett just the day it 19 happened. 20 Q. And now -- 21 A. That was just like a month ago. 22 Q. Exactly. And you know about that. You have 23 no memory problems there. 24 A. I'm proud of it. 25 Q. You just have memory problems when it comes to</p>	<p style="text-align: right;">176</p> <p>1 if you were wrong about them, that it would be 2 reasonable to understand that the parents would be very 3 upset? 4 MR. BARNES: Objection as to the form. 5 A. I am not the only person who questioned Sandy 6 Hook, and I legitimately asked those questions because I 7 had concerns. And I resent the fact that the media and 8 the corporate lawyers and the establishment, the 9 Democratic party, who are trying to make this my 10 identity, brought it up, constantly repeated it, tricked 11 me into debating it with them so that they could say 12 that I was injuring people. And I see the parties that 13 continually bring this up and drag these families 14 through the mud as the real villains, the conscious 15 villains attempting to shore up the First Amendment in 16 the process. I do not consider myself to be that 17 villain. 18 I could have done a better job, in 19 hindsight, and I've apologized for that; but I've seen 20 the very same corporate media and lawyers continue to 21 say that I'm saying all these things and exaggerating 22 and using it against the First Amendment and I think 23 that's very dangerous and despicable. 24 Q. Mr. Jones, do you think I'm a corporate 25 lawyer?</p>
<p style="text-align: right;">175</p> <p>1 Sandy Hook? 2 A. Well, seven years from now the specifics of, 3 like, if I've done 20 broadcasts on it -- 4 Q. Mr. Jones, this isn't seven years ago. I'm 5 asking you about 2017. 6 A. I know; but is it okay to question Jussie 7 Smollett, or was that act evil? 8 Q. Mr. Jones, I'm asking you about 2017. Was 9 2017 so long ago it's hard for you to remember? 10 MR. BARNES: Objection as to the form. 11 A. I have gone over the anomalies, and I remember 12 seeing that footage and I -- that's why people 13 questioned. 14 Q. (BY MR. BANKSTON) Who was involved in fact- 15 checking those anomalies? Tell me all the employees who 16 would be involved in that. 17 A. All right. I think myself and Rob Dew and a 18 few others. Like I said, normally, we're just reporting 19 on news that's already out there. I'd say 98, 99 20 percent, it's just going: Hey, look this just happened. 21 Trump just said this. Hillary just said that. What do 22 you think? 23 Q. Okay, Mr. Jones. You will admit to me that of 24 all these things that you have said, all the factual 25 claims you've made about Sandy Hook over the years, that</p>	<p style="text-align: right;">177</p> <p>1 A. Well, I know full well that when Hillary 2 Clinton lost the election is when all this started. And 3 I'm like, "Hey, I think Sandy Hook happened." And you 4 and others continually are in the news; and I remember 5 first in this lawsuit you were like, "All Jones needs to 6 do is say he's sorry to some parents." I'm like: I am 7 sorry that this has all been out of context and that 8 your kids died, and that was all ignored. So I've seen 9 the real disingenuousness and the fact that this is all 10 just a cold-blooded, you know, fit because Hillary lost 11 the election. 12 Q. So do you think I work for Hillary Clinton or 13 something or George Soros gives me money or something 14 like that? 15 A. Well, I mean, I know this: When Hillary lost, 16 the light switch went on. I'd never been sued, and I 17 got sued a bunch. 18 And then you've got all the corporate 19 media -- 20 Q. Wait, wait, wait. 21 A. -- working in tandem. And I know you're 22 working with a Connecticut case and doing all that and 23 triangulating all that stuff. So let's not -- let's 24 not -- and there's going to be some other things coming 25 down the road where all that will come out.</p>

<p style="text-align: right;">178</p> <p>1 Q. When were you sued?</p> <p>2 A. I think it was early last year.</p> <p>3 Q. Yeah, like a year and a half after Hillary</p> <p>4 Clinton lost, right?</p> <p>5 A. But they hadn't -- but they hadn't ever put</p> <p>6 the final report out. You needed the report because</p> <p>7 they never would put the report out.</p> <p>8 Q. What report?</p> <p>9 A. The report came out a month before you sued</p> <p>10 me.</p> <p>11 Q. Okay, Mr. Jones. Wait. What report, who --</p> <p>12 what --</p> <p>13 A. The official Sandy Hook report.</p> <p>14 Q. What entity issued this report?</p> <p>15 A. It was put out by the local, state, and</p> <p>16 federal government.</p> <p>17 Q. So you are going to sit here today and deny</p> <p>18 that there has been an official Sandy Hook report, books</p> <p>19 of it, online since December of 2013?</p> <p>20 A. Oh, there have been some redacted reports put</p> <p>21 out; but it was a big deal in -- it went up to the</p> <p>22 Connecticut Supreme Court. It's a hugely litigated</p> <p>23 situation of this thing being so suppressed.</p> <p>24 Q. Okay. So you and your attorney have appeared</p> <p>25 on your show to talk about this entire lawsuit being a</p>	<p style="text-align: right;">180</p> <p>1 vitality and fluoride-free toothpaste and everything</p> <p>2 else.</p> <p>3 A. Well, if we're talking about WMDs --</p> <p>4 Q. Hold on, Mr. Jones. And then you put that</p> <p>5 back down and you pick up the news and you start talking</p> <p>6 about it in the same video, correct?</p> <p>7 MR. BARNES: Objection as to form.</p> <p>8 A. Well, it's like saying the Super Bowl goes</p> <p>9 to -- and then the Super Bowl has Budweiser ads on the</p> <p>10 walls.</p> <p>11 Q. (BY MR. BANKSTON) Yeah, NBC makes money off</p> <p>12 of its broadcasting, doesn't it?</p> <p>13 A. But, technically, that's not how -- our</p> <p>14 advertising is separate from what is going on during the</p> <p>15 program. We don't do product placement. And so, no,</p> <p>16 the answer is: Sandy Hook, before I was ever sued, lost</p> <p>17 money.</p> <p>18 9/11 Truth lost me almost all my radio</p> <p>19 stations and lost money.</p> <p>20 Those type of really controversial</p> <p>21 stands, people don't like them; and they have crippled</p> <p>22 us before these lawsuits. And, I mean, in fact, we look</p> <p>23 back and you can see where we're talking about Sandy</p> <p>24 Hook and the listeners and everything goes down.</p> <p>25 Q. I mean, and really, if we look at this at the</p>
<p style="text-align: right;">179</p> <p>1 conspiracy against you to take you down?</p> <p>2 MR. BARNES: Objection as to form.</p> <p>3 Q. (BY MR. BANKSTON) Correct?</p> <p>4 A. It's a conspiracy, as Clarence Thomas admits,</p> <p>5 to get rid of New York Times versus Sullivan.</p> <p>6 Q. And you've called me and members of my law</p> <p>7 firm devil people, correct?</p> <p>8 A. Not specifically, no.</p> <p>9 Q. Okay. You've made money from every single one</p> <p>10 of these broadcasts we saw today, right?</p> <p>11 A. No. We actually lose money on really</p> <p>12 controversial stuff. We can actually see it.</p> <p>13 Q. Oh, so you can produce that to me? You have</p> <p>14 data on that?</p> <p>15 A. Absolutely. We'd love to.</p> <p>16 Q. Okay. And you have supplements you sell, too,</p> <p>17 with these videos, correct?</p> <p>18 A. No, no. The advertisement's separate from the</p> <p>19 news.</p> <p>20 Q. Well, I mean, in these news broadcasts, you</p> <p>21 advertise the sale of supplements, right?</p> <p>22 A. The two don't go together.</p> <p>23 Q. How do you mean they don't go together?</p> <p>24 You're talking about the news and you put the news down</p> <p>25 and all of a sudden you're talking Bone Broth and male</p>	<p style="text-align: right;">181</p> <p>1 end of the day, I mean, really you're the victim, aren't</p> <p>2 you?</p> <p>3 A. No, but I've certainly learned a lot in the</p> <p>4 process.</p> <p>5 Q. You've learned how not to be a reckless</p> <p>6 journalist, right?</p> <p>7 MR. BARNES: Objection as to form.</p> <p>8 A. Well, I think certainly I have experienced</p> <p>9 real fake news, watching the corporate media lie in my</p> <p>10 name and put things out that I never did, in a concerted</p> <p>11 effort. So I've learned what I -- certainly the polar</p> <p>12 opposite of what I want to be because I've never</p> <p>13 consciously tried to lie or hurt people.</p> <p>14 And I did not make money off saying 9/11</p> <p>15 was an event where we allowed Saudis to attack us.</p> <p>16 That's now come out. I lost 127 something stations. I</p> <p>17 went down to about 30.</p> <p>18 A lot of stations dumped us when we were</p> <p>19 talking about Sandy Hook. So if the statement is I say</p> <p>20 these things and do these things to make money, that is</p> <p>21 not what we are doing. Money coming in is to fund the</p> <p>22 operation, to promote really questioning things, and to</p> <p>23 build an alternative system. And it doesn't mean then</p> <p>24 when you're being an alternative system that you're</p> <p>25 perfect, but that's basically where I stand on that.</p>

<p style="text-align: right;">182</p> <p>1 Q. Okay. I just do want to make sure. It's not 2 a nonprofit situation; you're not doing this for the 3 charity of your own heart? 4 A. No, I'm not like the nonprofits, the whole 5 conspiracy where they're buying the college admissions 6 and they call that a charity or Hillary's foundation, 7 no, I'm not running anything like that. 8 Q. I have no idea what you're talking about, 9 Mr. Jones. 10 A. Where these people make millions of dollars on 11 their tax-free charities, I don't do that. 12 Q. Okay. So -- 13 A. You were asking me if I was running a 14 nonprofit scam; and the answer is "no." What I do is I 15 pay taxes. 16 MR. BANKSTON: Mr. Jones, I think we're 17 about wrapped up today if you could give me just a small 18 break to make sure that we're all wrapped up, I think 19 we've got about 45 minutes left in the day; but I'm not 20 going to use it for you. I'm going to let you get out 21 of here. 22 THE WITNESS: I'm happy to. 23 MR. BANKSTON: I mean, hey, if you want 24 to stick around and talk, we can talk; but we might need 25 to do that off the record. We might not need to put</p>	<p style="text-align: right;">184</p> <p>1 why has the mainstream media lied so much, why our 2 Government's lied so much, the fact that the public 3 doesn't believe what they're told anymore, and are we 4 going to criminalize questioning Jussie Smollett or WMDs 5 or babies in incubators. And it really is the fact that 6 we've allowed the Government and institutions to become 7 so corrupt that people have lost any compass of what's 8 real. 9 And I, myself, have almost had like a 10 form of psychosis back in the past where I basically 11 thought everything was staged, even though I'm now 12 learning a lot of times things aren't staged. So I 13 think as a pundit, someone giving an opinion, that, you 14 know, my opinions have been wrong; but they were never 15 wrong consciously to hurt people. 16 And so I think it's part of that process 17 of me growing up in Rockwall, Texas and watching the 18 police deal drugs and then conduct anti-drug programs in 19 the school, I think that shook my opinion of police in 20 general. And I was very anti-law enforcement until I 21 grew up and learned more things, and now I'm pretty much 22 pro police. So it's been a process. 23 Q. (BY MR. BANKSTON) You said false things about 24 Sandy Hook because it was psychosis? 25 A. I --</p>
<p style="text-align: right;">183</p> <p>1 that on the testimony, but I'm happy to do that. But 2 let's take just a quick break, and why don't ya'll give 3 us about five minutes? 4 MR. BARNES: Okay. 5 THE VIDEOGRAPHER: We're off the record, 6 4:14 p.m. 7 (Off the record from 4:14 to 4:28 p.m.) 8 THE VIDEOGRAPHER: We're back on the 9 record at 4:28 p.m. 10 Q (BY MR. BANKSTON) There's a couple of things 11 I was curious about, Mr. Jones. Do you think that 12 there's a question that I should have asked you today in 13 deposition that I didn't? 14 A. That's a good question. What question you 15 should have asked me. I can't think of any. 16 Q. Okay, Mr. Jones. You would agree with me that 17 when some damage happens, when you break something, when 18 you cause something to be lost, when you hurt somebody, 19 whether it's intentional or whether it's a mistake, 20 there's consequences for that, right? People should be 21 accountable for the people they hurt? 22 MR. BARNES: Objection as to form. 23 A. Well, sometimes people claim they've been hurt 24 when they haven't been. So you have to look at the 25 agenda behind things. You have to balance things about</p>	<p style="text-align: right;">185</p> <p>1 MR. BARNES: Objection as to the form. 2 Q. (BY MR. BANKSTON) Correct? 3 A. Well, I'm just saying that the trauma of the 4 media and the corporations lying so much, then 5 everything begins -- you don't trust anything anymore, 6 kind of like a child whose parents lie to them over and 7 over again, well, pretty soon they don't know what 8 reality is. 9 So long before these lawsuits I said that 10 in the past I thought everything was a conspiracy and I 11 would kind of get into that mass group think of the 12 communities that were out there saying that. And so now 13 I see that it's more in the middle. All right? So 14 that's where I stand. 15 Q. (BY MR. BANKSTON) And I'm little concerned 16 about something I heard in your answer, that it seemed 17 to be you suggesting that you weren't sure if these 18 parents have suffered pain from what you did. 19 A. Well, I was stating that I was reporting on 20 the general questioning when others were questioning. 21 And, you know, it's painful that we have to question big 22 public events. I think that's an essential part of the 23 First Amendment in America. And I do not take 24 responsibility for the entire train of things that 25 lawyers and the media have said I've done. So I do not</p>

<p style="text-align: right;">186</p> <p>1 take the responsibility. I do not take your indictment 2 or your presumed conviction of me as the villain or the 3 star of Homeland because that's not who I am. And so I 4 reject it. 5 Q. Saying, "The school is closed and was closed 6 for years," that's not questioning. That's a statement 7 of fact, Mr. Jones, isn't it? 8 MR. BARNES: Objection as to the form. 9 A. I was going off what other people were saying 10 and the fact that the records were not forthcoming and 11 the Hartford Current headlined: Why is There a 12 Cover-up? Why Aren't There Documents Being Released? 13 Why is it Taking so Long? 14 Q. (BY MR. BANKSTON) "The EMTs weren't allowed 15 in the building," that's not a question, Mr. Jones. 16 That's a statement, correct? 17 MR. BARNES: Objection as to the form. 18 A. Again, that was my going off what someone else 19 who I believed to be a credible expert was saying. 20 Q. (BY MR. BANKSTON) Mr. Jones, are you finally 21 prepared to admit that you have, indeed, caused these 22 families a substantial amount of pain? Are you prepared 23 to admit that? 24 A. I am not prepared to sign on to whatever you 25 and the mainstream media make up about me.</p>	<p style="text-align: right;">188</p> <p>1 THE VIDEOGRAPHER: We're off the record 2 at 4:33 p.m. 3 (Exhibit 12 marked.) 4 (Deposition adjourned at 4:33 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">187</p> <p>1 MR. BANKSTON: All right, Mr. Jones. 2 That will have to be it. I will see you next time. 3 MR. BARNES: One thing I was going to do 4 is just put this on record, just to make it -- the 5 confidentiality part. Is that okay? 6 MR. BANKSTON: Oh, yeah, that's stating 7 you're designating on the trial court? 8 MR. BARNES: Yes. 9 MR. BANKSTON: Please go ahead. 10 MR. BARNES: So what we have is a 11 Protective Order for the 30 days following any 12 deposition, that the parties must treat all of the 13 deposition testimony and the exhibits and other 14 documents produced at any deposition as attorneys' eyes 15 only and so they're marked confidential until that time. 16 Thank you. 17 MR. ENOCH: So no designation of 18 confidentiality is being made today. We'll look at it. 19 MR. BANKSTON: Absolutely. The whole 20 thing's confidential right now. 21 MR. ENOCH: That is the order, and we 22 have 30 days to designate confidential thereafter. 23 MR. BANKSTON: Absolutely. 24 MR. ENOCH: Very well. 25 MR. BANKSTON: Okay. I think we're done.</p>	<p style="text-align: right;">189</p> <p>1 CHANGES AND SIGNATURE 2 WITNESS NAME: DATE OF DEPOSITION: 3 ALEX E. JONES March 14, 2019 4 PAGE/LINE CHANGE REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>

<p>190</p> <p>1 _____</p> <p>2 _____</p> <p>3 I, ALEX E. JONES, have read the foregoing</p> <p>4 deposition and hereby affix my signature that same is</p> <p>5 true and correct, except as noted herein.</p> <p>6</p> <p>7 _____</p> <p>8 ALEX E. JONES</p> <p>9</p> <p>10 THE STATE OF _____)</p> <p>11 BEFORE ME, _____, on</p> <p>12 this day personally appeared ALEX E. JONES, known to me</p> <p>13 (or proved to me under oath or through _____)</p> <p>14 (description of identity card or other document) to be</p> <p>15 the person whose name is subscribed to the foregoing</p> <p>16 instrument and acknowledged to me that they executed</p> <p>17 same for the purposes and consideration therein</p> <p>18 expressed.</p> <p>19 Given under my hand and seal of office on</p> <p>20 this, the _____ day of _____, _____.</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 NOTARY PUBLIC IN AND FOR</p> <p>25 THE STATE OF _____</p> <p>My Commission Expires: _____</p>	<p>192</p> <p>1 BY MR. BANKSTON:</p> <p>2 BY MR. ENOCH:</p> <p>3 BY MR. OGDEN:</p> <p>4 BY MR. BARNES:</p> <p>5 That pursuant to information given to the</p> <p>6 deposition officer at the time said testimony was taken,</p> <p>7 the following includes counsel for all parties of</p> <p>8 record:</p> <p>9 COUNSEL FOR PLAINTIFF:</p> <p>10 KASTER LYNCH FARRAR & BALL, LLP</p> <p>11 1010 Lamar, Suite 1600</p> <p>12 Houston, Texas</p> <p>13 (T) 713.221.8300</p> <p>14 By: Mark D. Bankston, Esq.</p> <p>15 mark@fbtrial.com</p> <p>16 AND</p> <p>17 William Ogden, Esq.</p> <p>18 COUNSEL FOR DEFENDANTS:</p> <p>19 GLAST, PHILLIPS & MURRAY, P.C.</p> <p>20 14801 Quorum Drive, Suite 500</p> <p>21 Dallas, Texas</p> <p>22 (T) 972.419.8300</p> <p>23 By: Mark Enoch, Esq.</p> <p>24 mkenoch@gpm-law.com</p> <p>25 AND</p> <p>BARNES LAW, LLP (PRO HAC VICE)</p> <p>601 South Figueroa St., Suite 4050</p> <p>Los Angeles, California</p> <p>(T) 213.294.3006</p> <p>By: Robert E. Barnes, Esq.</p> <p>barneslaw@barneslawllp</p> <p>I further certify that I am neither</p> <p>counsel for, related to, nor employed by any of the</p>
<p>191</p> <p>1 CAUSE NO. D-1-GN-18-006623</p> <p>2 SCARLETT LEWIS * IN THE DISTRICT COURT OF</p> <p>3 Plaintiff *</p> <p>4 VS. * TRAVIS COUNTY, TEXAS</p> <p>5 ALEX E. JONES, INFOWARS, *</p> <p>6 LLC, AND FREE SPEECH * SYSTEMS, LLC, *</p> <p>7 Defendants * 53RD JUDICIAL DISTRICT</p> <p>8</p> <p>9 REPORTER'S CERTIFICATION</p> <p>10 ORAL/VIDEOTAPED DEPOSITION</p> <p>11 OF</p> <p>12 ALEX E. JONES,</p> <p>13 Taken on March 14, 2019</p> <p>14 I, Debbie D. Cunningham, Certified</p> <p>15 Shorthand Reporter in and for the State of Texas, hereby</p> <p>16 certify to the following:</p> <p>17 That the witness, ALEX E. JONES, was duly</p> <p>18 sworn by me, and that the transcript of the oral</p> <p>19 deposition is a true record of the testimony given by</p> <p>20 the witness;</p> <p>21 That the deposition transcript was</p> <p>22 submitted on _____ to the witness</p> <p>23 or to the attorney for the witness for examination,</p> <p>24 signature, and return to me by _____;</p> <p>25 That the amount of examination time used</p> <p>by each party at the deposition is as follows:</p>	<p>193</p> <p>1 parties or attorneys in the action in which this</p> <p>2 proceeding was taken, and further that I am not</p> <p>3 financially or otherwise interested in the outcome of</p> <p>4 the action.</p> <p>5 Further certification requirements</p> <p>6 pursuant to Rule 203 of TRCP will be certified to after</p> <p>7 they have occurred.</p> <p>8 Certified to by me this day, March 25,</p> <p>9 2019.</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 Debbie D. Cunningham, CSR</p> <p>14 Texas CSR 2065</p> <p>15 Expiration: June 30, 2021</p> <p>16 INTEGRITY LEGAL SUPPORT SOLUTIONS</p> <p>17 3100 West Slaughter Lane, Suite A-101</p> <p>18 Austin, Texas 78748</p> <p>19 www.integrity-texas.com</p> <p>20 512-320-8690; FIRM # 528</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 FURTHER CERTIFICATION UNDER RULE 203, TRCP
2 The original deposition/errata sheet was / was not
3 returned to the deposition officer on _____;
4 If returned, the attached Changes and Signature
5 page contains any changes and the reasons therefor;
6 If returned, the original deposition was delivered
7 to MR. BANKSTON, Esq., Custodial Attorney;
8 That \$_____ is the deposition officer's
9 charges to the Plaintiff for preparing the original
10 deposition transcript and copies of exhibits, if any;
11 That the deposition was delivered in accordance
12 with Rule 203.3, and that a copy of this certificate was
13 served on all parties shown herein on _____
14 and filed with the Clerk.
15 Certified to by me on _____.
16
17
18

19 _____
20 Debbie D. Cunningham, CSR
21 Texas CSR 2065
22 Expiration: June 30, 2021
23 INTEGRITY LEGAL SUPPORT SOLUTIONS
24 3100 West Slaughter Lane, Suite A-101
25 Austin, Texas 78748
www.integrity-texas.com
512-320-8690; FIRM # 528

From: Paul Joseph Watson <watson-paul3@sky.com>

To: Buckley <buckley@infowars.com>, "anthony@infowars.com" <anthony@infowars.com>

Subject: Sandy Hook

Date: 2015-12-17 21:15:38 +0000

Sent this to Alex.

This Sandy Hook stuff is killing us. It's promoted by the most batshit crazy people like Rense and Fetzer who all hate us anyway. Plus it makes us look really bad to align with people who harass the parents of dead kids. It's gonna hurt us with Drudge and bringing bigger names into the show. Plus the event happened 3 years ago, why even risk our reputation for it?

Sent from my iPhone

CAUSE NO. D-1-GN-18-006623

SCARLETT LEWIS	*	IN THE DISTRICT COURT OF
Plaintiff	*	
	*	
	*	
VS.	*	TRAVIS COUNTY, TEXAS
	*	
ALEX E. JONES, INFOWARS,	*	
LLC, AND FREE SPEECH	*	
SYSTEMS, LLC,	*	
Defendants	*	53RD JUDICIAL DISTRICT

ORAL/VIDEOTAPED DEPOSITION

OF

ROBERT JACOBSON

Wednesday, March 20, 2019

ORAL/VIDEOTAPED DEPOSITION OF ROBERT JACOBSON,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
numbered cause on Wednesday, March 20, 2019, from
12:01 p.m. to 1:55 p.m., before Debbie D. Cunningham,
CSR, reported via Machine Shorthand at the offices of
Kirker Davis, LLP, 8310-1 N. Capital of Texas Highway,
#350, Austin, Texas 78731, pursuant to the Texas Rules
of Civil Procedure and/or any provisions stated on the
record or attached hereto.

<p>1 APPEARANCES</p> <p>2</p> <p>3 COUNSEL FOR PLAINTIFF:</p> <p>4 KASTER LYNCH FARRAR & BALL, LLP</p> <p>5 1010 Lamar, Suite 1600</p> <p>6 Houston, Texas</p> <p>7 (T) 713.221.8300</p> <p>8 By: Mark D. Bankston, Esq.</p> <p>9 mark@fbtrial.com</p> <p>10 AND</p> <p>11 William Ogden, Esq. (VIA PHONE)</p> <p>12</p> <p>13 COUNSEL FOR DEFENDANTS:</p> <p>14 GLAST, PHILLIPS & MURRAY, P.C.</p> <p>15 14801 Quorum Drive, Suite 500</p> <p>16 Dallas, Texas</p> <p>17 (T) 972.419.8300</p> <p>18 By: Mark Enoch, Esq.</p> <p>19 mkenoch@gpm-law.com</p> <p>20</p> <p>21 VIDEOGRAPHER:</p> <p>22 Joe Bazan</p> <p>23</p> <p>24</p> <p>25</p>	<p>2</p> <p>4</p> <p>1 (Wednesday, March 20, 2019, 12:01 p.m.)</p> <p>2 P R O C E E D I N G S</p> <p>3 THE VIDEOGRAPHER: We are on the record</p> <p>4 for the videotaped deposition of Robert Jacobson taken</p> <p>5 on Wednesday, March 20th, 2019. The time is</p> <p>6 approximately 12:01 p.m.</p> <p>7 Will the court reporter please swear in</p> <p>8 the witness?</p> <p>9 ROBERT JACOBSON,</p> <p>10 having been duly sworn, testified as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. BANKSTON:</p> <p>13 Q. Good afternoon, Mr. Jacobson. Can you</p> <p>14 introduce yourself for our record?</p> <p>15 A. I am Robert Jacobson.</p> <p>16 Q. Okay.</p> <p>17 MR. ENOCH: Mark, I'd like to ask a</p> <p>18 couple of questions and make a comment real quickly.</p> <p>19 MR. BANKSTON: I don't think you've been</p> <p>20 given any orders from the Court to do any discovery.</p> <p>21 So, no, Mr. Enoch, you're not asking this witness any</p> <p>22 questions.</p> <p>23 MR. ENOCH: Mr. Jacobson --</p> <p>24 MR. BANKSTON: Mr. Enoch --</p> <p>25 MR. ENOCH: -- were you served with a</p>
<p>3</p> <p>1 INDEX</p> <p>2</p> <p>3 APPEARANCES 2</p> <p>4</p> <p>5 EXAMINATION OF ROBERT JACOBSON:</p> <p>6 BY MR. BANKSTON 4</p> <p>7</p> <p>8</p> <p>9 REPORTER'S CERTIFICATE 86</p> <p>10</p> <p>11</p> <p>12</p> <p>13 EXHIBIT INDEX</p> <p>14 Exhibit Number Description Page</p> <p>15 Exhibit 1 Non-Disclosure Agreement 10</p> <p>16 Exhibit 2 12/17/18 Mark Enoch letter to 23</p> <p>17 Robert Jacobson</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>5</p> <p>1 subpoena?</p> <p>2 MR. BANKSTON: Mr. Enoch, please point me</p> <p>3 to the order in which you've been allowed to do any</p> <p>4 discovery or take any questions of any witness. Point</p> <p>5 me to it, Mr. Enoch.</p> <p>6 MR. ENOCH: Please do not --</p> <p>7 MR. BANKSTON: Right now, point me to it.</p> <p>8 MR. ENOCH: Please do not interrupt.</p> <p>9 MR. BANKSTON: Then you're going to --</p> <p>10 Mr. Enoch, stop talking to the witness.</p> <p>11 MR. ENOCH: Mr. Jacobson --</p> <p>12 MR. BANKSTON: Mr. Enoch, this deposition</p> <p>13 will be suspended; and I will seek sanctions if you</p> <p>14 speak one more time to this witness.</p> <p>15 MR. ENOCH: Mr. Jacobson, have you been</p> <p>16 served with a deposition subpoena?</p> <p>17 MR. BANKSTON: Mr. Enoch, we're going off</p> <p>18 the record. We're done. The deposition's done.</p> <p>19 MR. ENOCH: We are not going off the</p> <p>20 record.</p> <p>21 MR. BANKSTON: The deposition is</p> <p>22 suspended.</p> <p>23 MR. ENOCH: We are not going off the</p> <p>24 record.</p> <p>25 MR. BANKSTON: You have no ability to</p>

<p>6</p> <p>1 take any testimony, Mr. Enoch. None. Zero.</p> <p>2 MR. ENOCH: Mr. Bankston, I suggest</p> <p>3 instead of getting emotional about it, if you'd let me</p> <p>4 ask this question --</p> <p>5 MR. BANKSTON: No, we're not going to</p> <p>6 allow you any questions, Mr. Enoch.</p> <p>7 MR. ENOCH: Please don't interrupt me</p> <p>8 again.</p> <p>9 MR. BANKSTON: Mr. Enoch, you have no</p> <p>10 right to ask your questions. Before you ask that</p> <p>11 question -- a single question to that witness again,</p> <p>12 direct me to what authority you think you have to --</p> <p>13 MR. ENOCH: Did you serve a subpoena on</p> <p>14 this witness?</p> <p>15 MR. BANKSTON: I don't -- I served a</p> <p>16 Notice of Deposition on this witness.</p> <p>17 MR. ENOCH: Sir, if you didn't serve a</p> <p>18 subpoena, he's under an NDA and a confidentiality</p> <p>19 agreement. He is not excused from that. You did not</p> <p>20 provide him with an order from this Court. He cannot</p> <p>21 testify today. You should have served him with a</p> <p>22 subpoena, and you did not.</p> <p>23 MR. BANKSTON: Do you want to take this</p> <p>24 up with the judge --</p> <p>25 MR. ENOCH: No, sir.</p>	<p>8</p> <p>1 MR. BANKSTON: You sent him a letter</p> <p>2 telling him what his confidentiality agreements are,</p> <p>3 telling him to observe them. You have already had these</p> <p>4 communications with this witness. You have no reason to</p> <p>5 ask this witness any questions today. The Court has not</p> <p>6 granted your client any discovery whatsoever, and you</p> <p>7 will stop interfering with this deposition. You have no</p> <p>8 reason to be asking this client about confidentiality</p> <p>9 when you have already informed him of his obligations.</p> <p>10 MR. ENOCH: Mr. Bankston, I'm going to</p> <p>11 ask the question; and if you instruct him not to</p> <p>12 answer --</p> <p>13 MR. BANKSTON: I don't represent this</p> <p>14 witness.</p> <p>15 MR. ENOCH: Mr. Jacobson, did you receive</p> <p>16 a letter from me in December or so advising of my</p> <p>17 client's insistence that you maintain confidentiality</p> <p>18 under your agreement which you reached with Alex Jones</p> <p>19 and with Free Speech?</p> <p>20 THE WITNESS: I don't recall.</p> <p>21 MR. ENOCH: Okay. Do you still have</p> <p>22 those confidentiality and non-disclosure agreements?</p> <p>23 THE WITNESS: I don't recall. I don't --</p> <p>24 I have -- since traumatic -- since whatever happened to</p> <p>25 me at work, my files have been scattered around. I'd</p>
<p>7</p> <p>1 MR. BANKSTON: -- or are you going to let</p> <p>2 him testify today?</p> <p>3 MR. ENOCH: That's what I want to talk</p> <p>4 with this witness about.</p> <p>5 MR. BANKSTON: You're not going to talk</p> <p>6 to him about it.</p> <p>7 MR. ENOCH: Well --</p> <p>8 MR. BANKSTON: You don't have the ability</p> <p>9 to do discovery. I'm going to ask this witness</p> <p>10 questions. If you --</p> <p>11 MR. ENOCH: Mr. Bankston --</p> <p>12 MR. BANKSTON: If you instruct him not to</p> <p>13 answer and try to prevent this deposition from</p> <p>14 happening, I will take it up to the Court.</p> <p>15 MR. ENOCH: Mr. Bankston, you are the one</p> <p>16 preventing me from asking any questions.</p> <p>17 MR. BANKSTON: I am.</p> <p>18 MR. ENOCH: Then do what you need to do,</p> <p>19 sir.</p> <p>20 MR. BANKSTON: That's what we're gonna</p> <p>21 do.</p> <p>22 MR. ENOCH: I'm going to make sure this</p> <p>23 witness knows of his obligations under the</p> <p>24 non-disclosure agreement and confidentiality agreement</p> <p>25 that he signed. Are you going to --</p>	<p>9</p> <p>1 also like to add that that non -- that NDA was forced</p> <p>2 upon me after employment with Alex for over eight</p> <p>3 years --</p> <p>4 MR. ENOCH: Sir --</p> <p>5 THE WITNESS: -- on the record.</p> <p>6 MR. ENOCH: Sir, you can -- I'm not</p> <p>7 arguing with you.</p> <p>8 MR. BANKSTON: Mr. Enoch, you --</p> <p>9 objection.</p> <p>10 You've already done what you said you</p> <p>11 were going to do. Don't start have conversations with</p> <p>12 the witness. Don't do it. Don't influence his</p> <p>13 testimony, Mr. Enoch.</p> <p>14 MR. ENOCH: Mr. Bankston, please stop</p> <p>15 interrupting me.</p> <p>16 MR. BANKSTON: Well, then I will put --</p> <p>17 first, before you ask your question --</p> <p>18 MR. ENOCH: Rule 99 --</p> <p>19 MR. BANKSTON: I object to the record --</p> <p>20 I object; and my objection is to the form of your</p> <p>21 question.</p> <p>22 MR. ENOCH: Very well.</p> <p>23 Mr. Jacobson, are you familiar with the</p> <p>24 requirements in the documents that you signed that you</p> <p>25 maintain confidentiality unless you are subpoenaed or</p>

10	<p>1 ordered by the Court?</p> <p>2 THE WITNESS: I'm familiar with the</p> <p>3 action that was forced upon me after being employed by</p> <p>4 him, with language in that NDA which includes things</p> <p>5 like "the known universe" and stuff. It's garbage, and</p> <p>6 I --</p> <p>7 MR. ENOCH: So you're not --</p> <p>8 THE WITNESS: No, no, I am not aware</p> <p>9 of -- I know that it was forced upon me. I was employed</p> <p>10 by Alex for over eight years, and they forced it upon</p> <p>11 me. I was a -- so I don't know where it is. I don't</p> <p>12 know what the language is, and I don't recall anything.</p> <p>13 MR. ENOCH: I'd like to mark as an</p> <p>14 exhibit, please, madam --</p> <p>15 (Exhibit 1 marked.)</p> <p>16 MR. BANKSTON: Object to any exhibits</p> <p>17 being offered by you.</p> <p>18 Mr. Enoch, what are you doing? Let's</p> <p>19 just talk. What do you think you're doing?</p> <p>20 MR. ENOCH: I want to make sure --</p> <p>21 MR. BANKSTON: You're not questioning</p> <p>22 this witness anymore.</p> <p>23 MR. ENOCH: Mr. Bankston --</p> <p>24 MR. BANKSTON: This is not your</p> <p>25 deposition. You have no ability to do discovery. I've</p>	12	<p>1 started, sir? Sir, I don't have any representation</p> <p>2 here. When was my employment started? When was the</p> <p>3 first day I started working?</p> <p>4 MR. BANKSTON: Mr. Jacobson, let's stop</p> <p>5 for a second.</p> <p>6 (Simultaneous speakers.)</p> <p>7 MR. BANKSTON: Mr. Enoch, stop. We're</p> <p>8 going off the record right now. We're calling the</p> <p>9 Court.</p> <p>10 MR. ENOCH: Very well.</p> <p>11 THE VIDEOGRAPHER: Off the record at</p> <p>12 12:07 p.m.</p> <p>13 (Off the record from 12:07' to 12:08' p.m.)</p> <p>14 (The following is only on the</p> <p>15 stenographic record:</p> <p>16 THE REPORTER: Do you want the telephone</p> <p>17 conversation on the record?</p> <p>18 MR. BANKSTON: No, ma'am, you can go off</p> <p>19 the record.</p> <p>20 MR. ENOCH: No, I do not agree to go off</p> <p>21 the record.</p> <p>22 MR. BANKSTON: Apparently they're</p> <p>23 transcribing this phone call.</p> <p>24 MR. OGDEN: The court administrator?</p> <p>25 MR. BANKSTON: Excuse me. If that's to</p>
11	<p>1 had extraordinary patience with allowing you to ask</p> <p>2 questions of the witness to ascertain whether he knows</p> <p>3 there's a confidentiality agreement. I will also be</p> <p>4 asking him about that same confidentiality agreement.</p> <p>5 Now that that's been done, you have no</p> <p>6 reason to be questioning him. The only reason you're</p> <p>7 doing it is to influence this witness. That's literally</p> <p>8 the only reason you're doing it. I consider what you're</p> <p>9 doing highly improper; and I am asking you once again:</p> <p>10 Knock this off, Mr. Enoch. What are you do?</p> <p>11 MR. ENOCH: Mr. Jacobson, do you</p> <p>12 recognize Exhibit Number 1?</p> <p>13 THE WITNESS: I don't have any recall of</p> <p>14 this exhibit.</p> <p>15 MR. ENOCH: Would you look at your</p> <p>16 signature on the last page and please identify that?</p> <p>17 MR. BANKSTON: We need to go off the</p> <p>18 record and call the Court right now, Mr. Enoch --</p> <p>19 MR. ENOCH: Do you recognize your</p> <p>20 signature?</p> <p>21 MR. BANKSTON: -- and Mr. Jacobson.</p> <p>22 THE WITNESS: I -- I want you to notice</p> <p>23 the date.</p> <p>24 MR. ENOCH: Did you --</p> <p>25 THE WITNESS: When was my employment</p>	13	<p>1 the court administrator, yeah, can you give me Elissa or</p> <p>2 Tiffaney's number?</p> <p>3 MR. OGDEN: Sure. Elissa is 512.854 --</p> <p>4 MR. BANKSTON: No, keep the video on and</p> <p>5 put it on Mr. Enoch.</p> <p>6 854 --</p> <p>7 MR. OGDEN: 9366.</p> <p>8 MR. BANKSTON: -- 66. Thank you.)</p> <p>9 THE VIDEOGRAPHER: On the record at</p> <p>10 12:08 p.m.</p> <p>11 (Phone ringing followed by a recording</p> <p>12 stating: Please leave a message for Elissa Hogan.</p> <p>13 After the tone, please record your message.)</p> <p>14 MR. BANKSTON: Have you got a separate</p> <p>15 number for Tiffaney?</p> <p>16 MR. OGDEN: Yes. 512.854.7278.</p> <p>17 (Phone ringing followed by a recording</p> <p>18 stating: Please leave a message for Tiffaney Gould.)</p> <p>19 MR. BANKSTON: All right. For the</p> <p>20 record's purposes, I have attempted to --</p> <p>21 MR. OGDEN: Mark -- sorry -- try the</p> <p>22 court administration.</p> <p>23 MR. BANKSTON: All right. Well, no.</p> <p>24 That's a totally different office, Bill. That's Judge</p> <p>25 Livingston's court administration office.</p>

<p style="text-align: right;">14</p> <p>1 MR. OGDEN: Well, right now --</p> <p>2 MR. BANKSTON: Okay. Go back on mute.</p> <p>3 For the record, I have attempted to call</p> <p>4 the Court on an emergency basis. I have been unable to</p> <p>5 get ahold of Staff Attorney Elissa Hogan or Court</p> <p>6 Coordinator Tiffany Gould.</p> <p>7 I have properly Noticed this deposition.</p> <p>8 I am entitled to question the witness first. I'm</p> <p>9 entitled to question the witness about the topics that</p> <p>10 the Court ordered that I am allowed to question him on.</p> <p>11 Mr. Enoch did not Notice this deposition.</p> <p>12 He is not entitled to question the witness first. While</p> <p>13 I attempted to stop him from this highly improper</p> <p>14 conduct, he completely ignored me and continued to</p> <p>15 question the witness, agitating the witness, who is not</p> <p>16 represented by counsel.</p> <p>17 This witness has agreed to appear</p> <p>18 voluntarily with the understanding that Plaintiff was</p> <p>19 conducting discovery today, has never made any agreement</p> <p>20 to appear here unrepresented to be inquired [sic] by</p> <p>21 his former employee's [sic] counsel. He never made that</p> <p>22 agreement.</p> <p>23 Mr. Enoch knows it is highly improper to</p> <p>24 interrupt my questioning, prevent me from questioning</p> <p>25 the witness first, and just start his own examination.</p>	<p style="text-align: right;">16</p> <p>1 about this document is to show his signature. Now that</p> <p>2 I've shown it to him, you may go ahead and question him.</p> <p>3 Under Rule 199 I don't know of anything that prevents me</p> <p>4 from asking questions out of order, sir. Are you aware</p> <p>5 of anything?</p> <p>6 MR. BANKSTON: Yeah, I am, actually.</p> <p>7 MR. ENOCH: The parties may attend and</p> <p>8 ask questions.</p> <p>9 MR. BANKSTON: I actually agreed -- I</p> <p>10 actually am aware of it under Chapter 26 of the Remedy</p> <p>11 Code. You have no right to conduct the deposition; only</p> <p>12 I do.</p> <p>13 MR. ENOCH: I disagree with that; and</p> <p>14 rather than talk about it now --</p> <p>15 MR. BANKSTON: We'll take it up with the</p> <p>16 Court. I agree.</p> <p>17 MR. ENOCH: I think that would be an</p> <p>18 appropriate --</p> <p>19 MR. BANKSTON: I agree. So, Mr. Enoch --</p> <p>20 MR. ENOCH: Please continue your</p> <p>21 deposition.</p> <p>22 MR. BANKSTON: Well, Mr. Enoch, before I</p> <p>23 stopped my deposition and you said that you were going</p> <p>24 to ask him one thing about one document and whether it</p> <p>25 was his signature; and now you say you're done, when I</p>
<p style="text-align: right;">15</p> <p>1 That would be true under even normal deposition</p> <p>2 circumstances; but today we are here on expedited</p> <p>3 discovery under the Texas Civil Participation Act, which</p> <p>4 grants my client the right to discovery, to respond to a</p> <p>5 Special Motion to Dismiss brought my Enoch's client. It</p> <p>6 gives him absolutely no right to conduct any discovery.</p> <p>7 This deposition has been highly improper,</p> <p>8 and so this is the agreement I'm going to make: I have</p> <p>9 not been able to contact the Court. I've not been able</p> <p>10 to do that. Mr. Enoch insists on questioning. He won't</p> <p>11 let me question and just ignores what I'm doing. Under</p> <p>12 those circumstances and given the level of agitation by</p> <p>13 Mr. Jacobson, who is here today without counsel, I am</p> <p>14 suspending the deposition unless Mr. Enoch agrees to</p> <p>15 cease his improper efforts to question this witness and</p> <p>16 continues to act appropriately in just defending the</p> <p>17 deposition.</p> <p>18 Mr. Enoch, if you cannot agree to do</p> <p>19 that, this deposition is suspended; and it will be added</p> <p>20 to my Motion for Sanctions being filed with the Court</p> <p>21 today. What would you like to do?</p> <p>22 MR. ENOCH: Well, I don't agree with</p> <p>23 anything you just said. It was all self-serving. It</p> <p>24 doesn't accurately reflect what was happening.</p> <p>25 The only reason I asked him a question</p>	<p style="text-align: right;">17</p> <p>1 asked --</p> <p>2 MR. ENOCH: And he refused to answer the</p> <p>3 question.</p> <p>4 MR. BANKSTON: He sure did.</p> <p>5 And when I asked you, "Okay. You've</p> <p>6 asked him. Are you done," you completely ignored me,</p> <p>7 continued to berate this client -- I mean, this person;</p> <p>8 and he expressed to you that he was very --</p> <p>9 MR. ENOCH: Mr. --</p> <p>10 MR. BANKSTON: Hold on, Mr. Enoch. He</p> <p>11 expressed to you that he was agitated. Are you now</p> <p>12 saying you have asked the totality of the questions you</p> <p>13 intend to ask this witness?</p> <p>14 MR. ENOCH: Of course not.</p> <p>15 MR. BANKSTON: Then we are suspending</p> <p>16 this deposition.</p> <p>17 MR. ENOCH: I don't know what I'm going</p> <p>18 to ask or if I'm going to ask anything until you're done</p> <p>19 with your examination, Mr. Bankston.</p> <p>20 MR. BANKSTON: Well, apparently you did</p> <p>21 because you started asking questions before I even</p> <p>22 started my examination, Mr. Enoch; and you know that's</p> <p>23 highly improper.</p> <p>24 I'm asking you right now: Do you intend</p> <p>25 to question this witness today?</p>

<p>18</p> <p>1 MR. ENOCH: Mr. Bankston, I am alarmed</p> <p>2 that this witness is not represented by counsel. I am</p> <p>3 concerned that he is not aware of his rights and</p> <p>4 obligations under legally binding contracts with my</p> <p>5 client. I want to make sure he is aware of those to</p> <p>6 protect himself or to get counsel of his own choosing.</p> <p>7 MR. BANKSTON: You've been able to do</p> <p>8 that --</p> <p>9 MR. ENOCH: Excuse me. Do not interrupt</p> <p>10 me, again. I did not interrupt you.</p> <p>11 It appears that you have not counseled</p> <p>12 him one bit about this. You're interested in getting</p> <p>13 him to voluntarily disclose information that he's</p> <p>14 obligated not to do without court order. You did not</p> <p>15 serve a subpoena. You did not tell him of the effect of</p> <p>16 that under his agreement. He now knows it. You may</p> <p>17 continue your deposition.</p> <p>18 MR. BANKSTON: Mr. Enoch, let's make this</p> <p>19 clear for the record: I do not have his agreement.</p> <p>20 When you sent this letter that informed him of that</p> <p>21 agreement --</p> <p>22 MR. ENOCH: You do now.</p> <p>23 MR. BANKSTON: -- I asked you at the</p> <p>24 time -- didn't I, Mr. Enoch -- I sent you a letter and</p> <p>25 said, "Your letter's very unclear. It could, in fact,</p>	<p>20</p> <p>1 obligated to do to obtain his testimony. Therefore, I</p> <p>2 wanted to make sure he was aware of Exhibit 1. It does</p> <p>3 not allow his voluntarily participation in your</p> <p>4 discovery without a court order or subpoena.</p> <p>5 Now, with respect to questions of this</p> <p>6 witness, I can't answer that now because I haven't heard</p> <p>7 your questions. I think I'm entitled to ask questions</p> <p>8 under the Rules; you think I'm not. So go ahead and ask</p> <p>9 your questions. Let's see if I have questions. If I</p> <p>10 do, the Rules allow me to make my record. You can</p> <p>11 object as you wish, and then we can take it up with the</p> <p>12 judge. We've spent a lot of time haggling right now.</p> <p>13 We've taken the witness' time. Ask your questions.</p> <p>14 MR. BANKSTON: You've taken the witness'</p> <p>15 time.</p> <p>16 MR. ENOCH: Ask your questions.</p> <p>17 MR. BANKSTON: You've taken my time,</p> <p>18 Mr. Enoch. That's what you've done.</p> <p>19 MR. ENOCH: Ask your questions.</p> <p>20 MR. BANKSTON: And I can tell you this:</p> <p>21 I don't represent this witness; and when I'm done asking</p> <p>22 my questions, if he wants to get up and walk out of this</p> <p>23 room without saying another word to you, I'm not</p> <p>24 stopping him.</p> <p>25 MR. ENOCH: On what basis?</p>
<p>19</p> <p>1 cause this witness to think he's not supposed to testify</p> <p>2 today. Wouldn't it be best if you disclosed to</p> <p>3 everybody what that agreement is?" You didn't do that.</p> <p>4 You waited until we walked into this room to put it down</p> <p>5 on the table.</p> <p>6 You say you have every right to inform</p> <p>7 this client -- or this person of his obligations and you</p> <p>8 were worried that he doesn't understand what those were.</p> <p>9 I understand that, which is why you sent that letter,</p> <p>10 which I think is a perfectly reasonable thing to do; and</p> <p>11 if you wanted to call this witness, talk to him, or</p> <p>12 contact him, that's perfectly appropriate. To ambush</p> <p>13 him at the moment of his testimony is not appropriate,</p> <p>14 and it is not appropriate to start asking questions</p> <p>15 before I even ask questions.</p> <p>16 MR. ENOCH: Mr. --</p> <p>17 MR. BANKSTON: If you intend to ask more</p> <p>18 questions today, let me know because we will suspend the</p> <p>19 deposition so that Mr. Jacobson can get counsel and so</p> <p>20 that we can take it up with the Court to see if your</p> <p>21 actions today were proper. Do you want to ask questions</p> <p>22 today or not, Mr. Enoch?</p> <p>23 MR. ENOCH: Mr. Bankston, I did not know</p> <p>24 until my first question of this witness that you had not</p> <p>25 served him with a subpoena, as I think you were</p>	<p>21</p> <p>1 MR. BANKSTON: I'm not stopping him. I</p> <p>2 have no control over this man, Mr. Enoch. I have none.</p> <p>3 I don't represent him.</p> <p>4 MR. ENOCH: Well, you understand that</p> <p>5 your Notice says we're here from day to day; and you</p> <p>6 understand cross-examination is allowed.</p> <p>7 MR. BANKSTON: Yeah. And what do you</p> <p>8 want me to do to stop him? What do you want me to do --</p> <p>9 MR. ENOCH: Why don't you just ask your</p> <p>10 questions?</p> <p>11 MR. BANKSTON: Should I chain him to the</p> <p>12 chair, Mr. Enoch?</p> <p>13 MR. ENOCH: Mark, please start asking</p> <p>14 your questions. Let's get on with the deposition. Will</p> <p>15 you do that, please?</p> <p>16 MR. BANKSTON: Yeah, now we'll do that,</p> <p>17 Mr. Enoch. We sure will.</p> <p>18 MR. ENOCH: Do.</p> <p>19 Q. (BY MR. BANKSTON) Mr. Jacobson, I'm really</p> <p>20 sorry about all that.</p> <p>21 A. Yes, sir.</p> <p>22 Q. I believe the only -- I'm not sure if we got</p> <p>23 this question out. Did you introduce yourself for the</p> <p>24 record?</p> <p>25 A. Yes, sir. I am Robert Jacobson.</p>

<p style="text-align: right;">22</p> <p>1 Q. Okay. Did you used to work at InfoWars?</p> <p>2 A. Yes, sir.</p> <p>3 Q. When were you hired by InfoWars?</p> <p>4 A. I was hired in 2004 by Alex Jones.</p> <p>5 Q. Do you know what corporate entity you were</p> <p>6 hired by?</p> <p>7 A. At the time I felt I was hired by Alex Jones,</p> <p>8 and he was an independent proprietor.</p> <p>9 MR. ENOCH: Objection, nonresponsive.</p> <p>10 Q (BY MR. BANKSTON) Do you know today what</p> <p>11 entity your former employer claims you worked for?</p> <p>12 A. Yes.</p> <p>13 Q. What entity is that?</p> <p>14 A. Free Speech Systems, LLC.</p> <p>15 Q. Okay. When did your employment end?</p> <p>16 A. My employment ended on May 1st of 2017 -- or</p> <p>17 April 30th.</p> <p>18 Q. So am I right that that's over a decade that</p> <p>19 you were at InfoWars?</p> <p>20 A. I was there for around 13 years,</p> <p>21 approximately.</p> <p>22 Q. As an employee, did you have a confidentiality</p> <p>23 agreement of any kind?</p> <p>24 A. Not for the first six years or so.</p> <p>25 Q. Okay. So does that mean around 2010 or so the</p>	<p style="text-align: right;">24</p> <p>1 Q. Have you abided by those obligations?</p> <p>2 A. Yes, sir. In fact, may I add something? My</p> <p>3 understanding of the non-disclosure is not to reveal any</p> <p>4 company secrets. I don't think abuse or abusive</p> <p>5 behavior inside the company constitutes company secrets.</p> <p>6 I don't think misbehavior inside the company by an adult</p> <p>7 who runs the business constitutes company secrets. In</p> <p>8 fact, I'm here to try to bring light to the truth of</p> <p>9 abusive behavior inside the walls of InfoWars; and I</p> <p>10 don't think anything I say today violates the NDA, which</p> <p>11 would be constituting of company secrets, their formulas</p> <p>12 in how they produce the news. Nothing like that is</p> <p>13 going to be revealed today. What will be revealed is</p> <p>14 abusive behavior and the behavior of Mr. Jones and his</p> <p>15 staff.</p> <p>16 MR. ENOCH: Objection, nonresponsive.</p> <p>17 Q (BY MR. BANKSTON) Did you understand that</p> <p>18 there was a judge here in Travis County who issued an</p> <p>19 order concerning this deposition today going forward?</p> <p>20 A. No -- not sure, actually.</p> <p>21 Q. Okay.</p> <p>22 A. Fuzzy.</p> <p>23 Q. Sitting here today, do you recall seeing a</p> <p>24 court order concerning your deposition?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">23</p> <p>1 idea of confidentiality came up?</p> <p>2 A. Confidentiality was passed around the office</p> <p>3 but was never given to me until years after; and it was</p> <p>4 more of a -- you know, sort of an ultimatum, sort of</p> <p>5 suggested, putting my livelihood at risk.</p> <p>6 Q. Apparently -- I wanted to show you something I</p> <p>7 wanted to mark as Exhibit 1, but I believe Mr. Enoch has</p> <p>8 already highjacked that exhibit. So I am going to mark</p> <p>9 this as Exhibit 2.</p> <p>10 MR. ENOCH: Object to the sidebar. Move</p> <p>11 to strike.</p> <p>12 (Exhibit 2 marked.)</p> <p>13 Q. (BY MR. BANKSTON) Mr. Jacobson, I've handed</p> <p>14 you what's been marked as Exhibit 2. Have you ever seen</p> <p>15 a copy of that before, or do you remember seeing that?</p> <p>16 A. Yes.</p> <p>17 Q. I want to direct you to the second page. I'm</p> <p>18 going to read the paragraph that appears on this page 2.</p> <p>19 "You are reminded that you have important continuing</p> <p>20 obligations under your confidentiality non-disclosure</p> <p>21 agreements with my client. You are expected to strictly</p> <p>22 observe those duties and obligations." Do you feel like</p> <p>23 you understand what obligations are being referred to</p> <p>24 here?</p> <p>25 A. I do.</p>	<p style="text-align: right;">25</p> <p>1 Q. Okay. Did you feel comfortable appearing for</p> <p>2 deposition without a court order?</p> <p>3 MR. ENOCH: Objection to form. Assumes</p> <p>4 facts not in evidence. Leading.</p> <p>5 You can go ahead and answer subject to</p> <p>6 those objections.</p> <p>7 A. Again, I'm not sure of that. I mean, with or</p> <p>8 without a court order, I just feel it's the right thing</p> <p>9 to do.</p> <p>10 Q (BY MR. BANKSTON) When you first joined</p> <p>11 InfoWars, did you believe in its mission?</p> <p>12 A. For the most part, yes.</p> <p>13 Q. Tell me about the kinds of stories or things</p> <p>14 that you wanted to be working on when you first came to</p> <p>15 InfoWars.</p> <p>16 A. When I first --</p> <p>17 MR. ENOCH: Objection, form.</p> <p>18 A. When I first arrived at InfoWars, my</p> <p>19 understanding of InfoWars and Alex's subject matter was</p> <p>20 the occult, esoteric politics, let's say, what's going</p> <p>21 on behind the curtain, things that politicians don't</p> <p>22 tell us in expos", in that fashion. Fringe media, off</p> <p>23 the mainstream, but still honest was my impression.</p> <p>24 Q. (BY MR. BANKSTON) Were you passionate about</p> <p>25 journalism at that time?</p>

<p style="text-align: right;">26</p> <p>1 MR. ENOCH: Objection to form.</p> <p>2 A. I was passionate about filmmaking, and I</p> <p>3 wanted to be a documentary filmmaker. So in that</p> <p>4 aspect, yes, that does, I believe, fall under a broader</p> <p>5 umbrella of journalism. So when it comes to documentary</p> <p>6 films, I was on board.</p> <p>7 MR. ENOCH: Objection, nonresponsive.</p> <p>8 Q. (BY MR. BANKSTON) Did you want to do good</p> <p>9 journalism?</p> <p>10 A. I did.</p> <p>11 MR. ENOCH: Objection, form.</p> <p>12 MR. BANKSTON: What's the form?</p> <p>13 MR. ENOCH: Well, under the Rules, I'm</p> <p>14 not sure it's -- I think you're leading the witness; and</p> <p>15 I think -- I'm not sure if I'm supposed to say</p> <p>16 objection, leading or form. I think I'm supposed to say</p> <p>17 both. So that's my objection. You're leading the</p> <p>18 witness.</p> <p>19 MR. BANKSTON: Okay.</p> <p>20 Can you scroll up to my last question?</p> <p>21 (Reporter complies.)</p> <p>22 Q. (BY MR. BANKSTON) Mr. Jacobson, what does</p> <p>23 good journalism mean to you?</p> <p>24 A. Good journalism means an objective reporting</p> <p>25 of facts. Somebody who can -- or if the journalist can</p>	<p style="text-align: right;">28</p> <p>1 ask you not to answer based on a privilege. That's your</p> <p>2 choice. That's my client trying to protect a privilege;</p> <p>3 but when I object, say "Objection, form or leading," you</p> <p>4 can go ahead and answer.</p> <p>5 THE WITNESS: Okay.</p> <p>6 Q. (BY MR. BANKSTON) Would you like me to ask</p> <p>7 that question again?</p> <p>8 A. Yes, please.</p> <p>9 Q. In those first few years at InfoWars, were you</p> <p>10 comfortable with the style of journalism and the stories</p> <p>11 you were working on?</p> <p>12 MR. ENOCH: Same objections.</p> <p>13 A. I was comfortable with the films I was</p> <p>14 producing and helping Alex produce. I found them</p> <p>15 interesting; and I found that Alex did present enough</p> <p>16 expert testimony that it held water, in my mind.</p> <p>17 Q (BY MR. BANKSTON) All right, Mr. Jacobson.</p> <p>18 You understand this lawsuit has to do with Sandy Hook?</p> <p>19 A. Yes, sir.</p> <p>20 Q. I want to direct your attention then to that</p> <p>21 event, which is end of 2012, very beginning of 2013.</p> <p>22 A. Okay.</p> <p>23 Q. For that time period, the start of 2013, by</p> <p>24 that time, had the company changed, in your mind?</p> <p>25 A. Absolutely.</p>
<p style="text-align: right;">27</p> <p>1 remove his emotion and theory as much as possible from</p> <p>2 reporting what he sees or she sees with their own eyes</p> <p>3 and ears, empirical evidence reported to the public with</p> <p>4 very little bias.</p> <p>5 Q. In your mind, what is the relationship between</p> <p>6 good journalism and corroboration of facts?</p> <p>7 A. I think good journalism, if you're going to</p> <p>8 have a corroboration of facts, I believe the more</p> <p>9 witnesses and points of view of the same action or</p> <p>10 activity that is being reported on, the better. And,</p> <p>11 for example, just theoretically thinking, one person</p> <p>12 can't see both sides of the cup at once. So when two</p> <p>13 people are observing it at the same time, you get a</p> <p>14 better description of the object in question. And so</p> <p>15 the more witnesses that have viewed it, the more</p> <p>16 impressions we can get after the fact of what has</p> <p>17 actually happened with the object that we're observing.</p> <p>18 Q. In your first few years at InfoWars were you</p> <p>19 comfortable with the style of journalism and the stories</p> <p>20 you were working on?</p> <p>21 MR. ENOCH: Objection, form and leading.</p> <p>22 Anytime I make an objection like that,</p> <p>23 sir, you can go ahead and answer.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. ENOCH: Let me say one thing. I may</p>	<p style="text-align: right;">29</p> <p>1 MR. ENOCH: Objection, form. Leading.</p> <p>2 A. Absolutely.</p> <p>3 Q. (BY MR. BANKSTON) Okay. Mr. Jacobson, I have</p> <p>4 a feeling that Mr. Enoch is going to object to just</p> <p>5 about every question I ask.</p> <p>6 A. Okay.</p> <p>7 Q. So what I would like you to do to accommodate</p> <p>8 this, because otherwise it's going to be super-</p> <p>9 disruptive on the deposition, take a couple-of-second</p> <p>10 pause before you answer my questions because he's going</p> <p>11 to step on your answers. Okay?</p> <p>12 A. Okay.</p> <p>13 Q. If you can, just take a second pause. And</p> <p>14 what I'm going to do is ask you that question again</p> <p>15 because it got kind of disrupted, and I think</p> <p>16 Mr. Enoch's going to object again.</p> <p>17 A. Okay.</p> <p>18 Q. And just for reminders, we may in typical</p> <p>19 conversations tend to try to finish each other sentences</p> <p>20 or talk over each other, not to interrupt each other,</p> <p>21 but to help us get to the point faster. It makes it</p> <p>22 very difficult on her.</p> <p>23 A. Right.</p> <p>24 Q. She has trouble writing down when two people</p> <p>25 are speaking at the same time. So this is why, if you</p>

<p>30</p> <p>1 can, if you can take a pause -- you might even want to 2 check and look over to your former employer's counsel to 3 see if there is going to be an objection -- that way we 4 can keep the record clear. 5 A. (Witness nods head.) 6 Q. At the start of 2013, around that time period, 7 in your mind, had the company changed? 8 MR. ENOCH: Objection to form, leading. 9 A. Yes. 10 Q (BY MR. BANKSTON) Tell me about that. 11 A. When I first started working for InfoWars, it 12 was an operation with just a handful of employees as far 13 as I know, possibly five or less; maybe a few more than 14 I'm aware of. But I was working out of my own private 15 office. Alex had a tiny office in the far south of 16 Austin. He had one employee that I knew of, Ryan 17 Schlickeisen; another employee who I'm not sure of her 18 name. I can't really recall. But she was a woman who 19 tended his warehouse, which was in the far south side of 20 Austin. And I'm not even sure where Alex was 21 broadcasting out of. 22 In 2010 he had a full-size facility. He 23 had, as far as I know, over 60 people on his staff, if 24 not more; and he had a full-blown studio. So it wasn't 25 just different. It was dramatically different in every</p>	<p>32</p> <p>1 InfoWars' consistency or process for corroborating 2 facts, in your mind, had that changed between the start 3 of your employment and the end of your employment? 4 MR. ENOCH: Objection to form and -- 5 object to form. 6 A. I feel that from the beginning, when I first 7 started working there, the fact collection was mostly 8 Alex and -- mostly himself was the researcher. By the 9 end, Alex let a lot of others do research for him; and I 10 don't know if these people were specifically qualified 11 or experienced enough to do that kind of work. 12 Q (BY MR. BANKSTON) A few months back do you 13 remember calling me about this case? 14 A. Yes, sir. 15 Q. Why'd you do that? 16 A. I was concerned. I wanted to make sure -- I 17 felt I was part of something, just being in that 18 building, when all this was going down. I felt terrible 19 what happened, even though I, myself, know I wasn't 20 directly involved in, you know, putting this out there 21 directly, just being in the building, I feel complicit. 22 I feel I have to right a wrong that I was involved in. 23 Even though I was part of that wrong, I want to at least 24 stack a couple of correct decisions up with some of the 25 mistakes that I have made in the past.</p>
<p>31</p> <p>1 way, shape, and form. 2 Q. One of the aspects I want to direct your 3 attention to is whether you, in your mind, felt that 4 anything had changed in the company with regards to how 5 it performed journalism. 6 A. I do. 7 Q. What are your thoughts about that? 8 A. I -- 9 MR. ENOCH: Objection, form and -- yeah, 10 objection, form. 11 Excuse me. Go ahead. 12 A. I feel that Alex's formula definitely changed. 13 He changed his formula from a complement of the website 14 and films to no films anymore and more or less the 15 radio -- the website, radio show, and films was the 16 original form. He took the film part out, which I 17 felt -- I felt the films were part of his kind of thing; 18 and he went more radio show. And that's it -- website, 19 as far as I know. So in that form of media, I kind of 20 just felt like he just ditched an important part of his 21 media. That's all. 22 THE VIDEOGRAPHER: Would you mind 23 clipping it just a little bit higher? 24 Thank you. 25 Q (BY MR. BANKSTON) Mr. Jacobson, in terms of</p>	<p>33</p> <p>1 Q. When you say that you weren't directly 2 involved in putting this out there, what is "this"? 3 A. "This" would be Sandy Hook. Anything that 4 InfoWars put out concerning Sandy Hook, I had absolutely 5 no involvement in. 6 Q. During your employment, were you exposed to 7 InfoWars' coverage of Sandy Hook? 8 A. During my employment, I had other assignments 9 to do; and I wouldn't much pay attention to the show. 10 However, when I did and I heard about Sandy Hook, it 11 actually bothered me. 12 Q. Tell me what you mean by that. What did you 13 hear that bothered you? 14 A. I heard them making accusations based on 15 extremely narrow cross-sections of information, that I 16 did my best to make the writers and the staff aware that 17 what they were doing was speculation based on not enough 18 information. It bothered me. That bothered me that I 19 felt they had no concept of journalist ethics. 20 Q. Did you tell anyone at InfoWars your feelings 21 about the Sandy Hook coverage? 22 A. I attempted to make it as clear as possible to 23 the writers that there is something called journalist 24 ethics and how what they were doing was in a direct 25 violation of that anytime I caught wind of the Sandy</p>

<p style="text-align: right;">34</p> <p>1 Hook story on InfoWars.</p> <p>2 Now, mind you, I would like to add that</p> <p>3 it's not something I was thinking about all the time,</p> <p>4 considering I had other things to do. I'd be working on</p> <p>5 other projects. But when it would come on the screen, I</p> <p>6 would make it my business to go in to the writers and</p> <p>7 explain to them as clearly as possible that there is</p> <p>8 journalist ethics; and I tried to demonstrate what those</p> <p>9 ethics are and why they are violating them and what the</p> <p>10 damage could possibly be. In fact, I remember -- I must</p> <p>11 have been in that room four to five times, at least, and</p> <p>12 only to be received with laughter and jokes.</p> <p>13 MR. ENOCH: Objection, nonresponsive.</p> <p>14 Q (BY MR. BANKSTON) When you say "the room," is</p> <p>15 there a specific room you're talking about?</p> <p>16 A. The room I'm talking about is the room in</p> <p>17 which the writers worked.</p> <p>18 Q. About how many writers are we talking about</p> <p>19 involved in working on Sandy Hook?</p> <p>20 MR. ENOCH: Objection to form.</p> <p>21 A. I believe that there were two -- one primary</p> <p>22 writer and perhaps one other that were definitely</p> <p>23 involved in Sandy Hook.</p> <p>24 MR. BANKSTON: Just so I can possibly</p> <p>25 clear up that objection, what is the objection to how</p>	<p style="text-align: right;">36</p> <p>1 A. Yes.</p> <p>2 MR. ENOCH: Objection to form and</p> <p>3 leading.</p> <p>4 A. Yes, I do.</p> <p>5 Q. (BY MR. BANKSTON) Okay. Tell me who the</p> <p>6 employees are that you developed opinions about their</p> <p>7 work on Sandy Hook.</p> <p>8 A. First and foremost would be Rob Dew.</p> <p>9 Q. Okay. Let's start with Mr. Dew. What is your</p> <p>10 observations about Mr. Dew's journalistic integrity as</p> <p>11 it respects Sandy Hook allegations?</p> <p>12 MR. ENOCH: Objection to form.</p> <p>13 A. I feel that Mr. Dew was overzealous to receive</p> <p>14 any type of hint that perhaps this might have been a</p> <p>15 phony act, a staged act. Any type of whisper that came</p> <p>16 through to him, he would celebrate.</p> <p>17 MR. ENOCH: Objection, nonresponsive.</p> <p>18 Q (BY MR. BANKSTON) Do you know Adan Salazar?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Have you seen or did you ever observe any work</p> <p>21 being done by Adan Salazar on Sandy Hook?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have an opinion as to whether that work</p> <p>24 was done responsibly by Mr. Salazar?</p> <p>25 MR. ENOCH: Objection to form.</p>
<p style="text-align: right;">35</p> <p>1 many writers worked on Sandy Hook?</p> <p>2 MR. ENOCH: You haven't established he</p> <p>3 has personal knowledge, sir.</p> <p>4 MR. BANKSTON: Okay.</p> <p>5 Q (BY MR. BANKSTON) Just to help clear up this</p> <p>6 issue -- and I believe this has been asked if; so you</p> <p>7 have to answer it again, I'm sorry -- but you were</p> <p>8 exposed to InfoWars' coverage of Sandy Hook?</p> <p>9 A. Yes.</p> <p>10 Q. You would know how many people are working on</p> <p>11 Sandy Hook --</p> <p>12 MR. ENOCH: Objection --</p> <p>13 Q. -- inside InfoWars?</p> <p>14 MR. ENOCH: Objection to form and</p> <p>15 leading.</p> <p>16 A. I'm aware of every staff member that worked at</p> <p>17 InfoWars as of up to May of 2017.</p> <p>18 Q. (BY MR. BANKSTON) When it came to coverage of</p> <p>19 Sandy Hook and the work that was being done by the</p> <p>20 writers, did you see things that you would consider</p> <p>21 reckless?</p> <p>22 A. Yes.</p> <p>23 Q. Can you tell me, are there any individual</p> <p>24 employees that you believed engaged in reckless conduct</p> <p>25 regarding Sandy Hook?</p>	<p style="text-align: right;">37</p> <p>1 A. I do have an opinion of that.</p> <p>2 Q. (BY MR. BANKSTON) Can you tell me what facts</p> <p>3 and observations you may have seen that would inform</p> <p>4 that opinion of Mr. Salazar?</p> <p>5 MR. ENOCH: Objection to form.</p> <p>6 A. Like I've stated already, whenever the subject</p> <p>7 came up, I would immediately clarify to the writers that</p> <p>8 there is a journalistic ethics that they're violating;</p> <p>9 and what I've pointed out to Adan specifically is that</p> <p>10 you're taking the word of one witness primarily and a</p> <p>11 couple of speculative other facts and calling it the</p> <p>12 truth without actually going down and investigating it</p> <p>13 ourselves or actually going with our own reporters and</p> <p>14 corroborating what these people are saying.</p> <p>15 I made it aware to Adan that Wolfgang</p> <p>16 Halbig could have a lot of issues that we're not</p> <p>17 considering, that by taking the word of this one man so</p> <p>18 heavily with such a great accusation that he's accusing</p> <p>19 people of is so irresponsible, so damaging. I asked him</p> <p>20 to consider the size of the audience.</p> <p>21 And Adan Salazar responded with -- and</p> <p>22 I'm going to quote him because he said it to me many</p> <p>23 times -- "I want to print up a T-shirt that says,</p> <p>24 'Halbig was right.' I want bumper stickers that say,</p> <p>25 'Halbig was right,'" to a laughing room.</p>

<p>38</p> <p>1 MR. ENOCH: Objection, nonresponsive.</p> <p>2 Q. (BY MR. BANKSTON) Do you feel that</p> <p>3 Mr. Salazar ever mocked your concerns about Sandy Hook</p> <p>4 coverage?</p> <p>5 A. Absolutely.</p> <p>6 MR. ENOCH: Objection to form.</p> <p>7 A. Absolutely.</p> <p>8 Q (BY MR. BANKSTON) Let's talk about -- you</p> <p>9 mentioned the name Mr. Halbig, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Can you briefly describe who Mr. Wolfgang</p> <p>12 Halbig is?</p> <p>13 A. As far as I can recall, whenever Sandy Hook</p> <p>14 was on the air or Alex or whoever was hosting was</p> <p>15 covering Sandy Hook, it was always accompanied by</p> <p>16 Mr. Halbig. And when I took a look at Mr. Halbig and</p> <p>17 considering he was the one and only person and the</p> <p>18 claims -- or as far as I know, he was the one and only</p> <p>19 person because whenever I would tune in, he was always</p> <p>20 on.</p> <p>21 So based on that impression, I would say</p> <p>22 he was the one and only person. And every time I saw</p> <p>23 him, I saw somebody that if he was amongst a group, a</p> <p>24 large group of people, okay; but a one and only person,</p> <p>25 I felt that this person may have mental problems. This</p>	<p>40</p> <p>1 A. I don't know. As far as I know, it's the</p> <p>2 people handling who were handling the Sandy Hook story.</p> <p>3 MR. ENOCH: Objection, nonresponsive.</p> <p>4 MR. BANKSTON: What's the form to asking</p> <p>5 him who Halbig's point of contact is?</p> <p>6 MR. ENOCH: Speculation, sir.</p> <p>7 Mr. Bankston, when I -- when you ask me a</p> <p>8 question, the Rules require that I respond to you</p> <p>9 clearly. I did so.</p> <p>10 MR. BANKSTON: You did.</p> <p>11 MR. ENOCH: No reason to chuckle, sir.</p> <p>12 MR. BANKSTON: It's funny, Mr. Enoch.</p> <p>13 I'm sorry if the things that happen in this deposition</p> <p>14 are funny.</p> <p>15 MR. ENOCH: I think it's unprofessional,</p> <p>16 sir.</p> <p>17 MR. BANKSTON: I think it's</p> <p>18 unprofessional for a witness to talk about having</p> <p>19 information from CIA kill teams about Las Vegas, and</p> <p>20 that's why I chuckle at it.</p> <p>21 I think it's unprofessional for you to</p> <p>22 make constant objections even when they have no legal</p> <p>23 basis. That's why occasionally, yes, you will see the</p> <p>24 corners of my mouth turn and smile.</p> <p>25 I'm obviously asking about his personal</p>
<p>39</p> <p>1 person may have a lot of emotional problems. He could</p> <p>2 be a lonely man. He could be somebody looking for</p> <p>3 attention. There could be a lot of questions to be</p> <p>4 asked before we present forward as a news organization</p> <p>5 such a heavy accusation as accusing the parents of</p> <p>6 slaughtered children of being liars.</p> <p>7 I think that perhaps we should have asked</p> <p>8 the question "what is Wolfgang Halbig's story" before we</p> <p>9 put this story to the public. This story should never</p> <p>10 have been put forward to the public at all without --</p> <p>11 and if they knew ethics in journalism, they would have</p> <p>12 known that immediately; but they have absolutely no</p> <p>13 ethics experience, in my opinion. Therefore, the story</p> <p>14 went forward; and the damage was caused.</p> <p>15 MR. ENOCH: Objection, nonresponsive.</p> <p>16 Q. (BY MR. BANKSTON) Mr. Jacobson, I think it's</p> <p>17 fair to say you have strong opinions about Mr. Halbig?</p> <p>18 A. I do. I have strong opinions about his</p> <p>19 validity as a sole witness.</p> <p>20 Q. Okay.</p> <p>21 MR. ENOCH: Objection to form -- same</p> <p>22 objection, nonresponsive.</p> <p>23 Q. (BY MR. BANKSTON) Who is Halbig's points of</p> <p>24 contact at InfoWars? Who did he talk to?</p> <p>25 MR. ENOCH: Object to form.</p>	<p>41</p> <p>1 knowledge. That's what I'm asking him about. So that</p> <p>2 is why I smile.</p> <p>3 Q. (BY MR. BANKSTON) Are you familiar with the</p> <p>4 types of claims made by Mr. Halbig?</p> <p>5 A. Some of them.</p> <p>6 Q. I want to ask you about some claims and if you</p> <p>7 know what they are. Have you ever heard the claim from</p> <p>8 Mr. Halbig or repeated from Mr. Halbig by somebody else</p> <p>9 that the school was actually closed before the shooting?</p> <p>10 MR. ENOCH: Objection to form.</p> <p>11 A. I have heard, yes.</p> <p>12 Q. (BY MR. BANKSTON) Did you see anything in</p> <p>13 your time at InfoWars that would make you think that</p> <p>14 people were acting irresponsibly as it concerns that</p> <p>15 particular claim?</p> <p>16 MR. ENOCH: Objection to form.</p> <p>17 You may answer.</p> <p>18 A. Yes.</p> <p>19 Q. (BY MR. BANKSTON) What kinds of things did</p> <p>20 you see -- excuse me. Scratch that.</p> <p>21 Who did you see acting irresponsibly with</p> <p>22 respect to that claim?</p> <p>23 MR. ENOCH: Objection to form.</p> <p>24 A. Mr. Robert Dew and Mr. Adan Salazar.</p> <p>25 Q. (BY MR. BANKSTON) Are you familiar with the</p>

<p style="text-align: right;">42</p> <p>1 claim that no paramedics were allowed inside of the</p> <p>2 building?</p> <p>3 A. I mean, I've heard it.</p> <p>4 Q. Okay. It's not something you had direct</p> <p>5 exposure to?</p> <p>6 A. No, outside of me just briefly watching it on</p> <p>7 a video as if I was audience.</p> <p>8 Q. Have you ever heard the allegation that there</p> <p>9 are photographs of children who are supposedly dead who</p> <p>10 are actually alive?</p> <p>11 A. Yes, I've heard that allegation.</p> <p>12 Q. Do you -- from what you have seen inside of</p> <p>13 InfoWars, have you seen anything that has caused you to</p> <p>14 form an opinion about that allegation?</p> <p>15 MR. ENOCH: Objection to form.</p> <p>16 A. I mean, you know, my opinion is it's so</p> <p>17 distasteful -- and it happened a while ago, that -- you</p> <p>18 know, it happened a while ago. So it was just all these</p> <p>19 things seem to -- all of the little allegations that</p> <p>20 Halbig and all these other people set forward, I sort of</p> <p>21 see it as individual cross-sections of information that</p> <p>22 each one was improperly handled.</p> <p>23 MR. ENOCH: Objection, nonresponsive.</p> <p>24 Q. (BY MR. BANKSTON) Did you ever voice any</p> <p>25 criticism of Mr. Halbig specifically while you were at</p>	<p style="text-align: right;">44</p> <p>1 that kind of behavior.</p> <p>2 Q. Okay. Do you know who Dan Bidondi is?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Can you describe what Mr. Bidondi has ever</p> <p>5 done for InfoWars?</p> <p>6 A. Mr. Bidondi worked for InfoWars briefly, for</p> <p>7 about a year or so; and he served as an on-air reporter</p> <p>8 and journalist.</p> <p>9 Q. Okay. Are you aware if Mr. Bidondi ever went</p> <p>10 to Newtown to cover Sandy Hook?</p> <p>11 A. I'm not sure. I don't know.</p> <p>12 Q. Have you ever met Mr. Bidondi?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. If you were going to pick someone to</p> <p>15 treat this story with respect and sensitivity, would you</p> <p>16 pick Mr. Bidondi?</p> <p>17 A. No, sir.</p> <p>18 MR. ENOCH: Objection to form and</p> <p>19 leading.</p> <p>20 A. No, I wouldn't.</p> <p>21 Q. (BY MR. BANKSTON) Can you explain why not?</p> <p>22 MR. ENOCH: Same objections.</p> <p>23 A. Because Mr. Bidondi is very emotional and</p> <p>24 when -- and he's also very belief based and I always</p> <p>25 viewed him as more of somebody who could be a character</p>
<p style="text-align: right;">43</p> <p>1 InfoWars?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Who did you voice that criticism to?</p> <p>4 A. Adan Salazar.</p> <p>5 Q. Are you familiar with the Sandy Hook parent</p> <p>6 Leonard Pozner? Have you heard that name?</p> <p>7 A. I have heard the name.</p> <p>8 Q. Okay. Have you ever seen written</p> <p>9 communications, like e-mails, from Mr. Halbig? Have you</p> <p>10 seen what his e-mails look like?</p> <p>11 A. No, I haven't.</p> <p>12 Q. Okay. Do you know if Mr. Halbig ever came to</p> <p>13 InfoWars? Did he ever come to the Austin location?</p> <p>14 A. I'm not aware of that.</p> <p>15 Q. Okay. Do you happen to know whether anybody</p> <p>16 ever from InfoWars went to visit Mr. Halbig in Florida?</p> <p>17 A. Again, I'm not sure.</p> <p>18 Q. Okay. Do you know anything about InfoWars</p> <p>19 helping raise money for Mr. Halbig?</p> <p>20 MR. ENOCH: Objection to form.</p> <p>21 A. I'm unaware of anything like that.</p> <p>22 Q. (BY MR. BANKSTON) Okay. Are you aware of</p> <p>23 Mr. Halbig ever engaging in any sort of harassing</p> <p>24 behavior towards people involved in Sandy Hook?</p> <p>25 A. I've never heard of Halbig himself engaging in</p>	<p style="text-align: right;">45</p> <p>1 than more of a journalist. And to send somebody like</p> <p>2 that with such a serious accusation to cover that,</p> <p>3 especially to talk and conversate with Mr. Halbig,</p> <p>4 knowing Bidondi, how impassioned he gets over these</p> <p>5 things and how impressionable he is with these kinds of</p> <p>6 scenarios, especially with conspiracy kinds of</p> <p>7 situations -- Mr. Bidondi gloms onto conspiracy kind of</p> <p>8 situations; he really magnates towards them -- no, I</p> <p>9 wouldn't because he would, I think, bias the situation</p> <p>10 and not fairly report it and be over-emotional.</p> <p>11 MR. ENOCH: Objection, nonresponsive.</p> <p>12 Q. (BY MR. BANKSTON) When you say that</p> <p>13 Mr. Bidondi tends to glom onto conspiracy scenarios, can</p> <p>14 you tell me what you mean by that?</p> <p>15 MR. ENOCH: Objection to form.</p> <p>16 A. I mean that he really -- you know, a lot of</p> <p>17 his programming when he was working at InfoWars had to</p> <p>18 do with the occult and all this stuff; but a lot of it</p> <p>19 also has to do with, for example, a big claim to fame</p> <p>20 for Dan Bidondi would be the Boston -- his appearance as</p> <p>21 a reporter for the Boston bombing. He made a national</p> <p>22 spectacle of himself and in an unprofessional way,</p> <p>23 which, of course, made him a celebrity at InfoWars.</p> <p>24 MR. ENOCH: Objection, nonresponsive.</p> <p>25 Q. (BY MR. BANKSTON) When you say that him</p>

<p style="text-align: right;">46</p> <p>1 making a spectacle made him a celebrity at InfoWars, can 2 you tell me what you mean by that? 3 MR. ENOCH: Objection to form, leading. 4 A. He basically accused -- instead of asking a 5 question at the Boston bombing situation, he made an 6 accusation in which case he was escorted out of the 7 building in typical, you know, journalist activist 8 style, which has been popularized by InfoWars; and 9 because he did that, he was much celebrated by the 10 people at InfoWars. And for a moment there, you know, 11 he was on the top of his game, I suppose, inside that 12 office. 13 MR. ENOCH: Objection, nonresponsive. 14 Q. (BY MR. BANKSTON) When you were at InfoWars, 15 in general, if a person did something in public that was 16 agitating, was that good for their career at InfoWars or 17 bad for their career at InfoWars? 18 A. It was -- 19 MR. ENOCH: Objection to form. 20 A. It was excellent for their career. I can 21 point to several examples where it's not reporting at 22 all; it's pure agitation by many members of the staff. 23 And I have also been very critical of that. It's been 24 pure -- in fact, some of it is so agitating it's almost 25 to the level of public disruption, so -- including --</p>	<p style="text-align: right;">48</p> <p>1 the spectrum, asking abrasive questions about Hillary 2 Clinton. Now, that's not journalism. That's agitation; 3 and that is a clear-cut case example of them swapping 4 out the words "agitation" for "journalism" and vice 5 versa. 6 MR. ENOCH: Objection, nonresponsive. 7 Q. (BY MR. BANKSTON) Have you ever seen anyone 8 at InfoWars engaged in conduct that you believed was 9 designed to elicit a negative emotional reaction from 10 the subject being interviewed? 11 MR. ENOCH: Objection to form and 12 leading. 13 A. I've never been involved in, let's say, people 14 planning such things. However, I've never worked with 15 Millie Weaver closely or Owen Schroeder closely. These 16 guys show up -- both of them show up -- 17 Owen, I don't find to be -- I think he's 18 very -- in my opinion, he's a very smart guy. So he 19 must know what he's doing by showing up at these 20 political events wearing Trump hats and whatnot. He 21 must know the difference between a journalist and an 22 agitator, how a journalist has to appear neutral in his 23 stance and how an agitator appears politically motivated 24 on one side or the another at the moment, present in the 25 spot. So I don't know about Millie, but I do know that</p>
<p style="text-align: right;">47</p> <p>1 can I go on? 2 Q. (BY MR. BANKSTON) Please. 3 MR. ENOCH: Objection, nonresponsive so 4 far. 5 Q. (BY MR. BANKSTON) Let me ask you another 6 question. Can you give me an example of some of the 7 things you're talking about when you say "agitation"? 8 A. Yes. Ms. Millie Weaver last year or the year 9 before that -- I'm not sure when; but it was in the 10 last, perhaps, twelve months, I believe, because it was 11 after I left -- she showed up at a Hillary Clinton book 12 signing event that was at BookPeople. These people were 13 not there to protest. These people were not there 14 to...Hillary. This was far after the election. Nobody 15 was campaigning. But Ms. Millie Weaver decided to show 16 up with a lot of Trump gear, which obviously is going to 17 be -- as we follow the news, we know it's agitating 18 towards -- in a very political way, you know. 19 And so, in my opinion, just by looking at 20 that, I noticed that reporters don't show up sponsoring 21 politicians. So for her to go there and say -- and, in 22 fact, the name of this video on YouTube is called 23 Journalists Harassed or something. She identifies 24 herself as a journalist while she shows up wearing 25 political gear directly aiming at the opposite end of</p>	<p style="text-align: right;">49</p> <p>1 Owen Schroeder should definitely know the difference. 2 So that being said, I mean, I've never 3 been involved in, let's say, let's go down there and 4 cause a fight kind of discussion; but I do know that 5 they should know better, showing up at these places with 6 these kinds of -- you know, this kind of gear that will 7 affect people's emotions is pretty obvious. 8 MR. ENOCH: Object, nonresponsive. 9 Q. (BY MR. BANKSTON) While you were at InfoWars, 10 did you ever hear anybody inside the organization 11 express negative feelings about the Sandy Hook parents? 12 MR. ENOCH: Objection to form. 13 A. No, except for what Alex said live on the air. 14 Q. (BY MR. BANKSTON) Were you uncomfortable with 15 the things that Mr. Jones said on the air? 16 A. Yes, I was. 17 MR. ENOCH: Objection to form and 18 leading. 19 I'm sorry. Would you just hesitate, 20 please, before you give your answer? 21 THE WITNESS: Yes, sir. 22 MR. ENOCH: Thank you. 23 Q. (BY MR. BANKSTON) Specifically as it regards 24 to comments about the Sandy Hook parents, were you ever 25 disturbed by anything you saw at the set on InfoWars?</p>

<p style="text-align: right;">50</p> <p>1 MR. ENOCH: Objection to form.</p> <p>2 A. I was disturbed by the way they said</p> <p>3 Mr. Pozner changed; he went from a laughing stance to a</p> <p>4 serious stance when the camera was on him briefly before</p> <p>5 he was asked to call. I wanted to -- you know, again,</p> <p>6 this is another thing I attempted to clarify with</p> <p>7 Mr. Salazar and others that when you go through an</p> <p>8 extreme tragedy, your emotions are all over the place.</p> <p>9 And this is a known fact.</p> <p>10 Just because somebody laughs at a joke</p> <p>11 somebody tries to -- you know, you're not immune to</p> <p>12 humor even if you went through a massive tragedy. For a</p> <p>13 brief moment somebody could say something; and it's,</p> <p>14 "Oh, ha, ha." You know, you don't have any really</p> <p>15 control over if somebody makes you laugh. You don't</p> <p>16 have that control. And I tried -- just because somebody</p> <p>17 went through a massive tragedy doesn't mean that you</p> <p>18 have to jump on the guy for smiling right before the</p> <p>19 camera was on him.</p> <p>20 In fact, a lot of people who experience</p> <p>21 this level -- well, I don't know about this level -- but</p> <p>22 tragedy in their life, they don't begin to even mourn</p> <p>23 until days after. They go through shock. So I was</p> <p>24 disgusted and I did attempt to clarify to everybody that</p> <p>25 people go through a range of emotions after a traumatic</p>	<p style="text-align: right;">52</p> <p>1 A. No.</p> <p>2 Q (BY MR. BANKSTON) What is your personal</p> <p>3 feeling, sitting here today, about an allegation that</p> <p>4 there were crisis actors in use at Sandy Hook?</p> <p>5 MR. ENOCH: Objection to form.</p> <p>6 A. I mean, my opinion is -- my personal feeling</p> <p>7 is it was shocking to hear -- well, it wasn't shocking</p> <p>8 that they went down that line because they went down</p> <p>9 that line of thought before; but the weight of the</p> <p>10 accusation in this particular case, it was shocking that</p> <p>11 they didn't do more research. They didn't go further</p> <p>12 into it. They didn't -- I mean, what I constantly tried</p> <p>13 to clarify is a story of this level should not be</p> <p>14 brought forward unless they are -- I tried to make it</p> <p>15 clear that they need as much evidence in this story as</p> <p>16 if they were going to court to prove their case; and if</p> <p>17 they didn't have that, they didn't have a story.</p> <p>18 MR. ENOCH: Objection, nonresponsive.</p> <p>19 Q. (BY MR. BANKSTON) Can you tell us who Paul</p> <p>20 Watson is?</p> <p>21 A. Paul Watson is sort of Alex's alternate host.</p> <p>22 He's basically like Alex's sidekick.</p> <p>23 Q. Okay. Have you ever been aware of</p> <p>24 Mr. Watson's opinions about the Sandy Hook hoax</p> <p>25 allegations?</p>
<p style="text-align: right;">51</p> <p>1 event.</p> <p>2 MR. ENOCH: Objection, nonresponsive.</p> <p>3 Q. (BY MR. BANKSTON) Have you ever while working</p> <p>4 at InfoWars heard the term "crisis actors"?</p> <p>5 A. Yes.</p> <p>6 Q. What do you understand that term to mean?</p> <p>7 A. I believe it means that there are people from</p> <p>8 Special Forces, let's -- per se, or something like that.</p> <p>9 They are people from a nefarious group run through the</p> <p>10 government or outside for special -- special interest</p> <p>11 money, let's say, who will then attempt to cause a phony</p> <p>12 event to -- like, for example, crisis actors faking</p> <p>13 their death or things like that to change a shift in</p> <p>14 policy or things like that. That's what I understand a</p> <p>15 crisis actor to be.</p> <p>16 Q. Have you ever heard while at InfoWars the term</p> <p>17 crisis actors or a similar allegation being attached to</p> <p>18 the Sandy Hook event?</p> <p>19 MR. ENOCH: Objection to form.</p> <p>20 A. Yes, I have.</p> <p>21 Q (BY MR. BANKSTON) While you were at InfoWars</p> <p>22 did you feel that you would ever see evidence which you</p> <p>23 would consider sufficient to responsibly make that</p> <p>24 allegation on the air?</p> <p>25 MR. ENOCH: Objection to form.</p>	<p style="text-align: right;">53</p> <p>1 A. No.</p> <p>2 Q. Do you know of anyone else at InfoWars who</p> <p>3 ever voiced an objection regarding any element of the</p> <p>4 Sandy Hook coverage or the coverage as a whole?</p> <p>5 A. I don't know if -- I mean, I did it</p> <p>6 independently on my own; and then I would have talk to</p> <p>7 others about it.</p> <p>8 MR. ENOCH: Objection, nonresponsive.</p> <p>9 Q (BY MR. BANKSTON) Have you ever had any</p> <p>10 private conversations with any of your coworkers at</p> <p>11 InfoWars about negative reservations about the Sandy</p> <p>12 Hook coverage?</p> <p>13 MR. ENOCH: Objection to form.</p> <p>14 A. Yes.</p> <p>15 Q. (BY MR. BANKSTON) And what coworkers would</p> <p>16 that be?</p> <p>17 A. I spoke with Ashley Beckford. I spoke with...</p> <p>18 I spoke with Adan Salazar. I spoke with Kit Daniels. I</p> <p>19 spoke with... I must have spoken -- and others I don't</p> <p>20 recall. I have spoken quite a bit.</p> <p>21 Q. Can you tell us: Who is Kit Daniels?</p> <p>22 A. Kit Daniels is a writer at InfoWars.</p> <p>23 Q. Was Kit Daniels ever involved in any of the</p> <p>24 Sandy Hook coverage?</p> <p>25 A. I'm unsure.</p>

<p>54</p> <p>1 Q. Okay. Are you familiar with an allegation 2 concerning an alleged blue screen video interview with 3 Anderson Cooper? 4 A. I am. 5 Q. When you were at InfoWars, did you ever work 6 in video technology? 7 A. Yes, I did. 8 Q. Okay. Can you explain to us kind of your 9 background and your training and experience in video 10 technology? 11 A. My background began in New York City. I was 12 working for several audio recording studios, including 13 The Hit Factory in New York City, which is a legendary 14 studio. I moved to Austin shortly after that. I worked 15 for the Austin Music Network -- before that I worked for 16 a music studio here, in Austin, Texas. I then worked 17 for the Austin Music Network for about three and a half 18 years, where I got even better. Then I moved from there 19 and I worked for Alex for 13 years producing roughly ten 20 of his feature-length documentaries. 21 MR. ENOCH: Objection to form -- 22 objection, nonresponsive. 23 Q. (BY MR. BANKSTON) Can you explain to us: 24 What is blue screen compositing? 25 A. Blue screen compositing is when you can stand</p>	<p>56</p> <p>1 competent video experience think this was blue screen? 2 MR. ENOCH: Objection to form. 3 A. Not at first view. 4 Q. (BY MR. BANKSTON) Would anybody with 5 competent video experience have serious doubts about 6 saying this was blue screen? 7 MR. ENOCH: Objection to form. 8 A. I feel they would. They would be on the 9 fence. If they saw this video, they would have 10 questions. 11 Q (BY MR. BANKSTON) Okay. 12 A. Can I go further and explain that? 13 Q. Actually, let me ask you a question on that. 14 Okay? 15 A. Okay. 16 Q. Your opinion about whether or not it could be 17 fairly asserted that this is clearly blue screen, in 18 forming your opinion on whether that could be asserted, 19 can you tell me about any of the things you see in this 20 video or any of your experience that would inform that 21 opinion? 22 A. There's nothing -- 23 MR. ENOCH: Objection -- I'm sorry. 24 Objection to form. 25 Please continue.</p>
<p>55</p> <p>1 in front of a blue screen and you can add any background 2 you'd like behind you, so. 3 Q. Okay. Mr. Jacobson, I am going to play you a 4 video clip that is going to be Exhibit 2 to this 5 deposition. 6 MR. ENOCH: I think it's Exhibit 3. 7 MR. BANKSTON: Oh, it will be, yeah. 8 Change that number. 9 (Exhibit 3 marked.) 10 MR. BANKSTON: Let me ask that question 11 again, Mr. Jacobson. 12 Q. (BY MR. BANKSTON) Mr. Jacobson, I'm going to 13 show you a video clip that is going to be Exhibit 3 to 14 this deposition. That is a video clip from a part of an 15 InfoWars episode. So I'd like you to watch it, and I'm 16 going to ask you some questions about it. Okay? 17 A. Okay. 18 (Video playing.) 19 Q (BY MR. BANKSTON) First, Mr. Jacobson, based 20 on your training and experience in video technology, was 21 what we just saw clearly blue screen? 22 A. It was -- 23 MR. ENOCH: Objection to form. 24 A. It was not clearly blue screen. 25 Q. (BY MR. BANKSTON) Okay. Would anybody with</p>	<p>57</p> <p>1 A. There's nothing in that video that will 2 clearly indicate to me that that was a blue screen 3 event. 4 Q (BY MR. BANKSTON) Okay. And so if a 5 witness -- if anyone was to say, "I can look at that 6 video. I work with blue screen. It's got all the 7 telltale signs. That's clearly blue screen," in your 8 opinion, is that person acting responsibly? 9 MR. ENOCH: Objection to form. 10 A. No, I don't. I think that, based on what we 11 see on that screen, that could be -- that error in the 12 nose would have been caused by a number of different 13 reasons; and none of them are clear from what we see 14 there without knowing what happened behind the scenes 15 with the operating room controllers, so on and so forth. 16 That could have been a natural glitch that happens all 17 the time on YouTube. We see it all the time where 18 pixels smudge. There is no secret about that. There 19 must be a million videos or more where pixels smudge all 20 the time. 21 In order for that -- should I continue? 22 Q. If you do have more facts that you are basing 23 your opinion on. 24 A. The only thing I can tell you about that is 25 the only way that that is possibly green screen is if</p>

<p style="text-align: right;">58</p> <p>1 Anderson Cooper is not standing next to that woman. 2 MR. ENOCH: Objection, nonresponsive to 3 the entire answer, including after the continuation of 4 the question "if you have more facts." 5 Q (BY MR. BANKSTON) When you say, "That means 6 Anderson Cooper wasn't standing next to that woman," are 7 you making an opinion about whether the woman in the 8 video was actually on location? 9 MR. ENOCH: Objection to form, leading. 10 A. I'm not making opinion on anything. What I'm 11 saying is: If his nose was cutting off, that means he 12 stepped out of the green screen or the blue screen 13 bounds; and his nose was cut off, which would suggest 14 she was somewhere else. He was standing in one room, 15 she's standing somewhere else. That's what it would 16 mean. 17 If he stepped outside the -- and she's 18 not outside the green screen bounds, how could he have 19 stepped outside the green screen bounds if she is -- she 20 would be disappeared. She wouldn't even be on the 21 screen. We would see -- if that was green screen, we 22 would see -- she would either -- it would be a cut-out. 23 See, what they're suggesting is Anderson 24 Cooper, okay, would be in this screen. Everything else 25 would be green. He would be -- they would composite</p>	<p style="text-align: right;">60</p> <p>1 stepped outside the bounds of the green screen and his 2 nose got cut off. 3 MR. ENOCH: Objection, nonresponsive. 4 Q (BY MR. BANKSTON) Now, if somebody is wearing 5 glasses in a green screen shot -- 6 A. Uh-huh. 7 Q. -- will the green screen background that's 8 being composited, will that show up in the reflection of 9 their glasses? 10 MR. ENOCH: Objection to form. 11 A. Sometimes. 12 Q. (BY MR. BANKSTON) If there's a projection 13 being used? 14 MR. ENOCH: Objection to form. 15 A. Depending how the lights are. If the lights 16 are blasting against that green screen, yes. If the 17 lighting guy takes that into accounts, they can -- you 18 know, depending on the lights. If the lights are bright 19 and blasting at them, yes, you would see green screen. 20 Also depending on his proximity to the screen. 21 Q. (BY MR. BANKSTON) Okay. Maybe -- I think 22 maybe I didn't ask -- the question was a little inartful 23 there. Let's come back up here. If there's lights 24 being shined on the green screen -- 25 A. Uh-huh.</p>
<p style="text-align: right;">59</p> <p>1 behind him the town hall scene that you see behind him. 2 He would step outside, and his nose would get cut off. 3 She would also be outside that box. If the box is only 4 this big and he steps outside, she would also be outside 5 that box, part of the composite, which would mean that 6 she would have to be on location while he was somewhere 7 else. 8 MR. ENOCH: Objection, nonresponsive. 9 Q (BY MR. BANKSTON) Would it be accurate to say 10 if this theory of how -- if the setup that you're 11 describing is true, would it be accurate to say then 12 that the woman in the interview would not be actually 13 looking at Anderson Cooper? 14 A. That's what it would mean. 15 MR. ENOCH: Objection to form and 16 leading. 17 A. It would mean that what you see in there is 18 two people who are acting remarkably responsive to each 19 other on a super-human level, in my opinion, because, 20 you know, they wouldn't be looking at each other. She 21 would be in one location. He would potentially be, 22 according to this theory, in a CNN studio around the 23 corner, down the block, miles away, if not on the other 24 side of the globe. So they would not be in the same 25 place at the same time to have that interaction if he</p>	<p style="text-align: right;">61</p> <p>1 Q. -- then it might be possible to see green in 2 some glasses? 3 A. Yes. 4 MR. ENOCH: Objection to form. 5 Q. (BY MR. BANKSTON) My question is: If there's 6 a background being put on that green screen, does it 7 show up live there on the green screen; or is that just 8 in the computer? 9 MR. ENOCH: Objection to form. 10 A. It's just in the computer. 11 Q. (BY MR. BANKSTON) If a person's wearing 12 glasses and they're being filmed against a green screen, 13 will the projected image that's in the computer of the 14 town hall, or whatever, appear in their glasses? 15 MR. ENOCH: Objection to form. 16 A. Absolutely not. 17 Q (BY MR. BANKSTON) Okay. Did you -- as a part 18 of your discussions with people at InfoWars about Sandy 19 Hook, have you raised complaints about this video 20 allegation? 21 MR. ENOCH: Objection to form, leading. 22 A. Not -- no. I mean, it was one of those 23 things. I just kind of mixed it in with all the rest of 24 it. It wasn't -- it was just one of those points that 25 was just so silly. It's just I can't -- I couldn't</p>

<p style="text-align: right;">62</p> <p>1 believe that Alex was jumping all over that when he 2 knows perfectly well YouTube pixels smudge. 3 MR. ENOCH: Objection, nonresponsive. 4 Q. (BY MR. BANKSTON) Was any -- were you -- at 5 any time during your time at InfoWars past 2013, were 6 you aware that parents had been complaining about this 7 coverage? 8 A. No, not immediately. I really became aware of 9 it sometime afterwards when I saw, actually, I think, a 10 PBS special on what was going on; and it really hit home 11 at that point. I was like, this is... 12 Q. Well, you understand -- what is your 13 understanding -- scratch that. 14 Was the InfoWars staff aware of the 15 public controversy they were causing with Sandy Hook 16 allegations? 17 MR. ENOCH: Object to form. 18 A. I believe they were. 19 Q. (BY MR. BANKSTON) Was the staff aware of the 20 public opinion about their Sandy Hook coverage? 21 MR. ENOCH: Object to form. 22 A. I believe they were. I believe that they were 23 aware of a dual opinion at the same time, and they got a 24 rush out of it. 25 MR. ENOCH: Objection, nonresponsive.</p>	<p style="text-align: right;">64</p> <p>1 personal knowledge inside the company, that InfoWars was 2 responsive to those criticisms and began to act 3 appropriately? 4 MR. ENOCH: Objection to form. 5 A. No, I don't. 6 Q. (BY MR. BANKSTON) Okay, Mr. Jacobson. We are 7 about an hour in. 8 A. Uh-huh. 9 Q. As you know, your deposition was ordered for, 10 I believe it was two or two and a half hours today. 11 A. Uh-huh. 12 Q. I'm not going to keep you that long, but I am 13 going to take a short break. 14 A. Uh-huh. 15 Q. And we do have some more to cover. 16 A. Okay. 17 Q. We might get near two hours -- I don't know -- 18 but I'm going to try to get you out as soon as I can 19 today. But why don't we for the moment -- we'll take a 20 15-minute break. 21 A. Uh-huh. 22 Q. And then we'll come back and resume after our 23 break. Thank you. 24 MR. OGDEN: Hey, Mark. Will you call my 25 cell phone?</p>
<p style="text-align: right;">63</p> <p>1 Q. (BY MR. BANKSTON) Were you still employed at 2 InfoWars at the time that Mr. Jones was interviewed by 3 Megyn Kelly? 4 A. No. 5 Q. Did you ever become aware that parents were 6 being harassed by believers in the Sandy Hook hoax 7 conspiracy theory? 8 A. Yes, I became aware of that. 9 Q. When do you think you became aware of that? 10 A. Somewhere around 2014, 2015. Maybe 2015. 11 Like I said, when I saw that PBS documentary. 12 Q. So the PBS documentary you saw, that was when 13 you were employed at InfoWars? 14 A. I was still employed there. 15 Q. In light of the harassment that you became 16 aware of, did it cause you to form any opinions about 17 the level of caution that would be required in covering 18 Sandy Hook from then on out? 19 MR. ENOCH: Objection to form, leading. 20 A. Absolutely. Like I've already stated, I 21 marched into the writers' room several times and 22 attempted to point out that they have an ethical 23 responsibility to abide by. 24 MR. ENOCH: Objection, nonresponsive. 25 Q. (BY MR. BANKSTON) Do you feel, based on your</p>	<p style="text-align: right;">65</p> <p>1 MR. BANKSTON: Absolutely. 2 THE VIDEOGRAPHER: We are off the record 3 at 1:12 p.m. 4 (Off the record from 1:12 to 1:30 p.m.) 5 THE VIDEOGRAPHER: We're back on the 6 record at 1:30 p.m. 7 Q. (BY MR. BANKSTON) Mr. Jacobson, earlier we 8 had talked about a writing room; and I want to ask you 9 questions about that room itself. That room was the 10 center of the writing process at InfoWars; is that 11 right? 12 A. Yes, up until the last three years that I 13 worked there. 14 Q. Okay. From your personal knowledge and 15 observations of the writers, can you tell me, as it 16 concerns the writing process for coverage of Sandy Hook, 17 what, if anything, concerned you about that process? 18 MR. ENOCH: Objection to form. 19 A. The fact that they took Halbig's word for it, 20 and that was the article. The article was: Whatever 21 came out of Halbig's mouth was news. 22 Q. (BY MR. BANKSTON) When you were, as you 23 mentioned earlier, communicating your thoughts to people 24 at InfoWars about the Sandy Hook coverage, can you 25 describe to me on a scale of one, being not outrageous</p>

<p style="text-align: right;">66</p> <p>1 at all and ten, being extremely outrageous, on that</p> <p>2 one-to-ten scale, what is the level of outrageousness of</p> <p>3 this conduct that you were trying to impart?</p> <p>4 MR. ENOCH: Objection, leading and form.</p> <p>5 A. It was a ten.</p> <p>6 Q. (BY MR. BANKSTON) Tell me why you thought</p> <p>7 that.</p> <p>8 MR. ENOCH: Same objections.</p> <p>9 A. I mean, it's one thing to make a mistake.</p> <p>10 It's another thing to have somebody come in -- and I</p> <p>11 don't even -- I'm not aware if I was the only person or</p> <p>12 not, but I know I was doing it -- to come in and say,</p> <p>13 "Hey, this is wrong. You're making a mistake." It's</p> <p>14 one thing, you know, to actually have a mistake and</p> <p>15 something else to have it pointed out to you, not just</p> <p>16 once but over and over and over again, and to not only</p> <p>17 hear the damage that you're doing to people outside of</p> <p>18 your zone but to actually laugh about it, I thought</p> <p>19 that's a ten.</p> <p>20 MR. ENOCH: Objection, nonresponsive.</p> <p>21 Q (BY MR. BANKSTON) How long have you known</p> <p>22 Mr. Jones?</p> <p>23 A. I've known Mr. Jones since he employed me in</p> <p>24 2004.</p> <p>25 Q. In your 15 years of knowing Mr. Jones, have</p>	<p style="text-align: right;">68</p> <p>1 A. I think he --</p> <p>2 MR. ENOCH: Objection to form.</p> <p>3 A. I think he knows right from wrong, and he can</p> <p>4 definitely distinguish it. And, again, it's not just my</p> <p>5 opinion on this. He goes on the air and proselytizes</p> <p>6 morality all the time, which, clearly, he knows what's</p> <p>7 going on; and he's making a conscious decision. If he</p> <p>8 can proselytize it and verbalize it and actually</p> <p>9 articulate it that well to everybody, then, he's</p> <p>10 definitely thinking about it; and he's aware of what's</p> <p>11 going on.</p> <p>12 MR. ENOCH: Objection, nonresponsive.</p> <p>13 Q (BY MR. BANKSTON) With respect to your</p> <p>14 background, have you -- what is your level of experience</p> <p>15 and exposure to compositing live shots onto backgrounds?</p> <p>16 A. I mean, in my experience, I've been asked to</p> <p>17 do it; and I've done it.</p> <p>18 Q. Okay.</p> <p>19 A. I've produced those videos.</p> <p>20 Q. The films and things that you would make for</p> <p>21 InfoWars, did you perform any graphics work or</p> <p>22 compositing work while working on those videos?</p> <p>23 A. Mostly graphics works. I mean, aside from my</p> <p>24 video editing, I would do graphics much more than video</p> <p>25 compositing for the films.</p>
<p style="text-align: right;">67</p> <p>1 you arrived at any kind of opinion about whether</p> <p>2 Mr. Jones is capable of rational action or whether he is</p> <p>3 too mentally unwell to even be capable of rational</p> <p>4 action?</p> <p>5 MR. ENOCH: Objection to form and</p> <p>6 leading.</p> <p>7 A. In my 15 years of knowing Alex, I feel he is</p> <p>8 very capable of rational actions, and I think the growth</p> <p>9 of his business is evidence of that. Like, while his</p> <p>10 opinions may be tasteless, he definitely made conscious</p> <p>11 decisions to run a business. He flipped the switches</p> <p>12 himself. In fact, he micromanages that place; and,</p> <p>13 obviously, some of the decisions he made were</p> <p>14 successful. He took a business from a few handful of</p> <p>15 people to what it is today. So based on that evidence,</p> <p>16 I do feel that he's more than rational in his decisions.</p> <p>17 MR. ENOCH: Objection, nonresponsive.</p> <p>18 Q (BY MR. BANKSTON) Based on your conversations</p> <p>19 and years with Mr. Jones, do you have an opinion on</p> <p>20 whether or not Mr. Jones can understand right from</p> <p>21 wrong?</p> <p>22 MR. ENOCH: Objection to form.</p> <p>23 A. Yes.</p> <p>24 Q (BY MR. BANKSTON) Okay. What is your</p> <p>25 opinion?</p>	<p style="text-align: right;">69</p> <p>1 Q. Does InfoWars in it's studio -- during the</p> <p>2 years you were there, did it perform any green screen or</p> <p>3 blue green compositing there at the facility?</p> <p>4 A. Yes.</p> <p>5 Q. When it comes to video technology, does that</p> <p>6 remain your profession today?</p> <p>7 A. Yes.</p> <p>8 MR. ENOCH: Objection to form.</p> <p>9 A. Yes.</p> <p>10 MR. BANKSTON: What's the basis on that?</p> <p>11 MR. ENOCH: I don't know what you mean by</p> <p>12 "video technology." It's vague and ambiguous.</p> <p>13 Q. (BY MR. BANKSTON) Do you know what video</p> <p>14 technology is?</p> <p>15 A. Yes, sir.</p> <p>16 Q. When I ask you the question, you work in video</p> <p>17 technology, can you tell me what you mean by video</p> <p>18 technology?</p> <p>19 A. I take technology designed to work on video as</p> <p>20 my tools and create a product for my clients.</p> <p>21 Q. When it comes to video technology, are you</p> <p>22 someone who considers himself to have specialized</p> <p>23 knowledge or skill in that technical field?</p> <p>24 MR. ENOCH: Object to form. Speculating,</p> <p>25 form, and leading.</p>

<p>70</p> <p>1 A. Yes.</p> <p>2 Q (BY MR. BANKSTON) Okay. Can you tell me how</p> <p>3 many years experience you have in working with video</p> <p>4 production and video technology?</p> <p>5 MR. ENOCH: Objection to form.</p> <p>6 A. I have 17 years in video technology, and I</p> <p>7 have over 20 years -- over 20 years in media technology</p> <p>8 in general.</p> <p>9 Q (BY MR. BANKSTON) You understand the</p> <p>10 difference between a layman and a technical person? Do</p> <p>11 you understand those terms?</p> <p>12 A. Yes, sir.</p> <p>13 MR. ENOCH: Objection to form.</p> <p>14 A. Yes, sir.</p> <p>15 Q (BY MR. BANKSTON) When it comes to video</p> <p>16 production and video technology, do you consider</p> <p>17 yourself a layman; or do you consider yourself as</p> <p>18 someone who has technical expertise?</p> <p>19 MR. ENOCH: Objection to form.</p> <p>20 A. I consider myself as somebody who has</p> <p>21 technical expertise.</p> <p>22 Q (BY MR. BANKSTON) Okay. Do you still have an</p> <p>23 opinion as to whether or not alternative media can be a</p> <p>24 force for good if done correctly?</p> <p>25 MR. ENOCH: Objection to form.</p>	<p>72</p> <p>1 not really sure.</p> <p>2 Q (BY MR. BANKSTON) Okay. Do you today have</p> <p>3 any sense of guilt about the coverage about Sandy Hook</p> <p>4 that came out of InfoWars?</p> <p>5 MR. ENOCH: Objection to form, leading.</p> <p>6 A. Yes. As I mentioned in my statements</p> <p>7 previously, the reason why I'm here is because of a</p> <p>8 tremendous amount of guilt that I didn't act faster.</p> <p>9 Maybe I should have quit. Maybe I could have caught the</p> <p>10 story faster or been better at explaining; but, yes, I</p> <p>11 do.</p> <p>12 MR. ENOCH: Objection, nonresponsive.</p> <p>13 Q. (BY MR. BANKSTON) Are you still on friendly</p> <p>14 terms with InfoWars?</p> <p>15 A. No.</p> <p>16 Q. Were you terminated?</p> <p>17 A. Yes.</p> <p>18 Q. Have you filed a complaint with the EEOC?</p> <p>19 A. Yes.</p> <p>20 Q. And just for the record, I want to make it</p> <p>21 clear because I've used an abbreviation. You filed a</p> <p>22 complaint with the Equal Opportunity Employment</p> <p>23 Commission?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Tell me why you filed a complaint.</p>
<p>71</p> <p>1 A. I feel that alternative media -- I think the</p> <p>2 subject is much bigger than that. I think that media in</p> <p>3 itself or journalism is when you cross the ethical</p> <p>4 boundary, then it will be a force for good; but if</p> <p>5 people are independent and refuse to abide by standards</p> <p>6 that are journalist standards that have been established</p> <p>7 for decades already and followed, or maybe even</p> <p>8 centuries by some standards, you know, if they refuse to</p> <p>9 do that, then no, it won't be a force for good. It will</p> <p>10 be a force for people to be confused and tear each other</p> <p>11 down. If they can figure out that, hey, who's going to</p> <p>12 be the standard of that. So I do think that there will</p> <p>13 always be a professional standard of journalism, and</p> <p>14 independent journalism should be put in its place.</p> <p>15 MR. ENOCH: Objection, nonresponsive.</p> <p>16 Q. (BY MR. BANKSTON) When it comes to</p> <p>17 professionalism in journalism, do you have an opinion --</p> <p>18 or let me scratch that.</p> <p>19 When it comes to professionalism in</p> <p>20 journalism, have you been exposed to events, perceived</p> <p>21 things with your own eyes and ears, that gives you an</p> <p>22 opinion on whether it went right or whether it went</p> <p>23 wrong as it regards Sandy Hook?</p> <p>24 MR. ENOCH: Objection, form.</p> <p>25 A. I don't really have a comment on that. I'm</p>	<p>73</p> <p>1 A. Alex's abusive behavior and the unethical and</p> <p>2 racist behavior of his staff and the environment that's</p> <p>3 racist and abusive in general at InfoWars.</p> <p>4 MR. ENOCH: Objection, nonresponsive.</p> <p>5 Move to strike.</p> <p>6 A. There was evidence against me that I submitted</p> <p>7 to the EEOC of myself being Photoshopped onto a Rabbi's</p> <p>8 face and passed around the office. There was Owen</p> <p>9 Schroeder sitting on the air calling me the resident</p> <p>10 Jew, as well as Rob Dew. There was a culture of</p> <p>11 anti-Semitism inside InfoWars. And so I went to the</p> <p>12 EEOC with that and a culture of abuse propagated mostly</p> <p>13 by Alex Jones himself.</p> <p>14 MR. ENOCH: Objection, nonresponsive.</p> <p>15 Q (BY MR. BANKSTON) Do you know, sitting here</p> <p>16 today, if you're the only person who's brought such a</p> <p>17 complaint or if there's anybody else who's brought</p> <p>18 similar complaints?</p> <p>19 MR. ENOCH: Objection to form.</p> <p>20 A. I know of several people who have brought</p> <p>21 exactly the same complaint or similar, very similar</p> <p>22 complaints about Alex Jones and the office of InfoWars,</p> <p>23 many of which are public.</p> <p>24 Q (BY MR. BANKSTON) Do you feel that people</p> <p>25 might look at your EEOC claim and think you're biased?</p>

<p style="text-align: right;">74</p> <p>1 A. I feel, yes, people will look at my EEOC 2 complaint and claim that I'm biased. Should I continue? 3 Q. No. I have a question for you. 4 A. Okay. 5 Q. If you've got an EEOC claim and you've got bad 6 blood with InfoWars, why should people believe you? 7 A. Because people should understand just because 8 Alex -- I have a complaint with Alex doesn't make Alex 9 an angel. Myself and others have all witnessed it. I 10 am doing my due diligence in bringing forth abuse that 11 Alex had against me as others have brought forth Alex -- 12 abuse that Alex has against them as well as the fact 13 that does not negate the fact that this stuff about 14 Sandy Hook didn't happen, either. What happened to me 15 is real. What Alex did to the Sandy Hook parents is 16 also real at the same time. Just because one is true 17 doesn't make the other untrue. They're both true at the 18 same time. 19 Alex is an abusive man. Alex -- and 20 every testimony that you see in public, whether it is, 21 you know, on the record -- you know, we have videos and 22 specials all over the place, news articles written about 23 this. It's no secret of Alex's behavior. It's no 24 secret. 25 Therefore, you know, just because I</p>	<p style="text-align: right;">76</p> <p>1 A. I'm not doing any of this for compensation. 2 I'm doing this because Alex is disgracing himself so 3 badly in the way he has made the parents suffer, as well 4 as myself. He's still on the air to this day saying 5 things that are arguably true or arguably not true; we 6 don't know. But we do know that he affects his audience 7 in a way that angers and mobilizes them; and it's 8 unclear if anything he's saying is fact or fiction, 9 opinion or speculation. But what he does do is mobilize 10 a large amount of people in irrational thinking because 11 there's no way to tell whether what Alex is saying on 12 the air is news or not, true or false, speculation, or 13 opinion, jokes or not; but he advertises it all as news. 14 He is the InfoWars. 15 MR. ENOCH: Objection, nonresponsive. 16 Q (BY MR. BANKSTON) Mr. Jacobson, have -- all 17 of your answers today, have they been based on your 18 personal knowledge? 19 MR. ENOCH: Objection to form. 20 A. As far as I know. 21 Q (BY MR. BANKSTON) Okay. Mr. Jacobson, that's 22 all I believe I have for you at this time. 23 MR. ENOCH: Go ahead. I'm sorry. I 24 didn't mean to interrupt you. 25 MR. BANKSTON: Sure.</p>
<p style="text-align: right;">75</p> <p>1 mounted a complaint because of Alex's bad behavior 2 doesn't mean he behaved badly for Sandy Hook. People 3 should understand just because one is true, the other -- 4 it doesn't mean the other's automatically untrue. 5 MR. ENOCH: Objection -- 6 A. Are they going to feel that I'm biased? Yes, 7 but that doesn't mean -- you know, everything is true 8 that I am saying. And again... 9 MR. ENOCH: Objection, nonresponsive. 10 Q (BY MR. BANKSTON) If the Sandy Hook parents 11 who brought these suits were awarded money from Alex 12 Jones, would it benefit you in any way? 13 A. No. 14 Q. If the Sandy Hook parents who brought these 15 suits are awarded money from Mr. Jones, let's say, a 16 significant amount of money, do you know of any way that 17 could be a detriment to you? 18 A. The one way is if the EEOC rules in my favor, 19 it might jeopardized a potential compensation for myself 20 farther down the line. 21 Q. So you -- do you feel that if the Sandy Hook 22 parents are ultimately compensated by Mr. Jones, do you 23 have any opinion about whether that could potentially 24 threaten your ability to get compensation for your 25 injuries?</p>	<p style="text-align: right;">77</p> <p>1 That's all I have for you in terms of 2 questions. I have a few things I need to put on the 3 record. 4 MR. OGDEN: Mark, can you check your 5 e-mail? 6 MR. BANKSTON: Yeah, sure. 7 They don't need to concern you. If you 8 would like to be excused while I put this on the record, 9 I can do that. 10 MR. ENOCH: And I would like to ask 11 questions. Are you going to prevent me from doing that, 12 Mark? 13 MR. BANKSTON: We're going to talk about 14 that on the record in just a minute. 15 MR. ENOCH: Well, that's what I'm asking 16 you. 17 MR. BANKSTON: Yeah, so we're going to 18 let Mr. Jacobson go because we're not going to have this 19 discussion in front of a witness. 20 MR. ENOCH: No, sir, we're not gonna -- 21 MR. BANKSTON: We're not going to let 22 him leave the building, Mark. We're going to let 23 Mr. Jacobson go to the bathroom, and then I'm going to 24 put something on the record. And if you have some 25 things to say about it, you can say whatever you want on</p>

<p style="text-align: right;">78</p> <p>1 the record. And then Mr. Jacobson will be in the 2 building.</p> <p>3 MR. ENOCH: Are you going to permit me to 4 ask questions, yes or no?</p> <p>5 MR. BANKSTON: I don't think I can stop 6 you. I literally don't think I can. I think I would 7 have to, like, go over there and physically restrain you 8 because you won't abide by rules; but Mr. Jacobson is 9 just going to go to the bathroom.</p> <p>10 Now, he's going to come back; and he's 11 going to sit down in that chair. And whether he wants 12 to sit around and listen to anything you say is not my 13 choice, but I'm not releasing him from the building 14 right now.</p> <p>15 Mr. Jacobson, would you like to step out 16 of the room, maybe, for a moment? You can use the 17 restroom if you need to; otherwise, just wait in the 18 front room for us.</p> <p>19 (Witness leaves the conference room.)</p> <p>20 MR. ENOCH: What is it you would like to 21 say outside of his presence?</p> <p>22 MR. BANKSTON: Okay. I have a few things 23 I need to put on the record.</p> <p>24 First of all, just to read it really 25 quick, there is an order entered in this case concerning</p>	<p style="text-align: right;">80</p> <p>1 personal counsel and was suddenly ambushed by a barrage 2 of questions from his former employer, questions he was 3 not expecting.</p> <p>4 I need to put this on the record for we 5 are now on our the third deposition of this case; and in 6 the first deposition of Mr. Jones, which Mr. Enoch was 7 not defending but was merely an observer, his name 8 appeared in all caps where's he's speaking and 9 interjecting into the record 28 times during the 10 testimony of Mr. Jones; and that's taking out the times 11 that it appeared for housekeeping matters, like getting 12 the witness water or talking about the PO at the end of 13 the deposition.</p> <p>14 And I don't want to be tag-teamed and it 15 was ridiculous and improper but I normally wouldn't 16 call it out on the record but I reviewed the 17 transcript -- and I've done this to confirm this -- that 18 there were questions on the floor about what a certain 19 building was and whether it was the school or not. And 20 as part of his interruption, Mr. Enoch blurted out to 21 the witness that it's the firehouse in the video, a word 22 that had not previously appeared in the deposition. So, 23 of course, right after that, Mr. Jones says, quote, "And 24 I later corrected, you know, that was one of the things 25 that had been said that wasn't true was that they were</p>
<p style="text-align: right;">79</p> <p>1 this deposition. In Paragraph 3 of the Judge's 2 Discovery Order, it allows that Plaintiff's Motion is 3 granted and that Plaintiff may take the deposition of 4 Robert Jacobson. It does not say that the parties may 5 take the deposition of Robert Jacobson. It says the 6 Plaintiff may take the deposition of Robert Jacobson.</p> <p>7 The Civil Remedies Code provides that 8 limited discovery will be allowed if the party shows 9 good cause for that discovery and gets an order from the 10 Court on that limited discovery. Plaintiff has gotten 11 an order from the Court showing good cause. Defendants 12 have never attempted to show good cause and, in fact, 13 under the case law is extremely questionable and I see 14 no authority for an idea that a defendant would ever be 15 granted discovery on its own motion. The discovery is 16 granted for the Plaintiff to meet the burdens, the 17 onerous burdens caused by the TCPA.</p> <p>18 Nonetheless, Mr. Enoch has attempted 19 right from the start to interrupt and hijack my 20 deposition, which I have properly noticed, and start 21 asking the witness questions, questions which the 22 witness was visibly uncomfortable with. This witness 23 agreed to appear voluntarily at this deposition with the 24 understanding that he would be questioned by the 25 Plaintiff's counsel. He has appeared without his own</p>	<p style="text-align: right;">81</p> <p>1 at the firehouse. There was other footage from the 2 school."</p> <p>3 At best, this was highly improper 4 conduct, and it's exactly why we don't allow speaking 5 objections in Texas. At worst, it was an attempt to 6 communicate an idea to the witness, conduct which is 7 absolutely repellant to the idea of justice.</p> <p>8 Yet, on the following day, the problems 9 continued. I only have a video, not a transcript; but, 10 once again, Mr. Enoch repeatedly interrupted a 11 deposition he was not defending, in which he was simply 12 an observer. And, again, I've watched the video to 13 confirm; and so has my cocounsel, to confirm both of our 14 memories, that Mr. Dew, the corporate representative, 15 visibly reacted to a gesture from Mr. Enoch during a 16 difficult question. And Mr. Ogden had to call him out 17 on it; and you can see Mr. Dew's reaction, how narrow 18 his eyes are in the deposition. During both depositions 19 Mr. Enoch was repeatedly asked to leave the deposition 20 if he refused to stay quiet. He stayed but continued to 21 interrupt.</p> <p>22 I am putting this all on the record right 23 now because this deposition began rather contentiously; 24 and my reaction to it was one of significant 25 disturbance. I am now in a position where I have a</p>

<p style="text-align: right;">82</p> <p>1 witness who is not represented by counsel. I am facing 2 a counsel who at the very beginning of this deposition 3 threw all sense of propriety out the window and began 4 questioning the witness on multiple issues. Though he's 5 not the one who noticed this deposition, had no ability 6 to question that witness first, and almost certainly had 7 no ability to question him at all. It has caused the 8 witness to become very agitated.</p> <p>9 I do not feel I'm equipped to defend this 10 witness' rights. I don't represent him. What is 11 happening is totally inconsistent with the Court's 12 order. We have attempted to contact the Court because I 13 believe the Court would be wanting to have some sort of 14 input on, when an order like this only gives me the 15 right to question, whether Mr. Enoch should be allowed 16 to question this witness who does not currently have 17 counsel. I'm very disturbed by this turn of events. I 18 want this all on the record in case these matters need 19 to be brought to the Court in any kind of connection 20 with sanctions.</p> <p>21 Right now I'm going to finish, and I'm 22 going to ask Mr. Jacobson to return to the room. I'm 23 going to tell Mr. Jacobson that I've concluded with my 24 deposition, the deposition that was ordered in the 25 Court's order, and that I have no further need of him to</p>	<p style="text-align: right;">84</p> <p>1 MR. ENOCH: Mr. Bankston, if I ask 2 questions, are you going to seek sanctions against -- 3 (Indistinguishable simultaneous 4 speakers.)</p> <p>5 MR. ENOCH: Mr. Jacobson, are you 6 leaving? 7 (Witness leaves the conference room.)</p> <p>8 MR. BANKSTON: He's leaving, apparently. 9 He doesn't want to talk to you, I guess.</p> <p>10 MR. ENOCH: Okay. And my understanding 11 is that you threatened me with sanctions earlier if I 12 asked questions. Is my understanding correct, sir?</p> <p>13 MR. BANKSTON: Yeah, if you were to go 14 ahead and ask him questions, I would probably bring a 15 motion against you. It would also be for your other 16 conduct in the previous two depositions; but, yeah, if 17 you did that. And, again, let me just make that clear. 18 You didn't ask him any questions. I still, depending on 19 what we need to do, might be bringing sanctions against 20 you.</p> <p>21 MR. ENOCH: I just -- you don't need to 22 give me a speech. My question was a simple one: Did 23 you say you would threaten me with sanctions if I asked 24 questions? Your answer was in the affirmative. That's 25 all I need. Thank you very much.</p>
<p style="text-align: right;">83</p> <p>1 be here. I do not know what Mr. Enoch's going to do at 2 that point. I do not know if Mr. Enoch's going to 3 attempt to try to keep the witness here. I don't know 4 what's going to happen.</p> <p>5 I do know that I am extremely concerned 6 about a witness who -- I mean, about a lawyer who has 7 already exhibited an incredible pattern of astonishing 8 bad conduct in deposition to now take this very 9 unorthodox turn.</p> <p>10 That being said, those are my comments on 11 the record. I will allow Mr. Jacobson to return to the 12 room and allow him to make the decision in his own best 13 interest.</p> <p>14 MR. ENOCH: And I do not intend to 15 respond tit for tat to what I think is self-serving 16 diatribe, and I will respond appropriately when 17 appropriate.</p> <p>18 Let's have the witness come back in. 19 (Mr. Bankston briefly left the room and 20 returned with the witness.)</p> <p>21 MR. BANKSTON: All right, Joe. Let's get 22 back on the record.</p> <p>23 THE VIDEOGRAPHER: We're still on.</p> <p>24 MR. BANKSTON: Mr. Jacobson, that's all I 25 have for you today. Thank you for your time.</p>	<p style="text-align: right;">85</p> <p>1 MR. BANKSTON: Yeah, if you're going to 2 engage in improper conduct, I will always put the 3 possibility of sanctions on the table.</p> <p>4 MR. ENOCH: I disagree.</p> <p>5 MR. BANKSTON: And I think you know that 6 about me by now.</p> <p>7 MR. ENOCH: Mr. Bankston, we don't have 8 to have an argument over it. The question was a simple 9 one. Thank you for answering.</p> <p>10 MR. BANKSTON: Are we off the record?</p> <p>11 THE VIDEOGRAPHER: We're off the record 12 at 1:55 p.m. 13 (Deposition concluded at 1:55 p.m.) 14 (Signature of the witness was waived.)</p> <p>15 16 17 18 19 20 21 22 23 24 25</p>

<p>86</p> <p>1 CAUSE NO. D-1-GN-18-006623</p> <p>2 SCARLETT LEWIS * IN THE DISTRICT COURT OF</p> <p>3 Plaintiff *</p> <p>4 VS. * TRAVIS COUNTY, TEXAS</p> <p>5 ALEX E. JONES, INFOWARS, *</p> <p>6 LLC, AND FREE SPEECH *</p> <p>7 SYSTEMS, LLC, *</p> <p>8 Defendants * 53RD JUDICIAL DISTRICT</p> <p>9 REPORTER'S CERTIFICATION</p> <p>10 ORAL/VIDEOTAPED DEPOSITION</p> <p>11 OF</p> <p>12 ROBERT JACOBSON,</p> <p>13 Taken on March 20, 2019</p> <p>14 I, Debbie D. Cunningham, a Certified</p> <p>15 Shorthand Reporter in and for the State of Texas, hereby</p> <p>16 certify to the following:</p> <p>17 That the witness, ROBERT JACOBSON, was</p> <p>18 duly sworn by me, and that the transcript of the oral</p> <p>19 deposition is a true record of the testimony given by</p> <p>20 the witness;</p> <p>21 That examination and signature of the</p> <p>22 witness to the deposition transcript was waived by the</p> <p>23 witness and agreement of the parties at the time of the</p> <p>24 deposition;</p> <p>25 That the original deposition transcript</p> <p>was delivered to MR. BANKSTON, Esq.;</p> <p>That the amount of examination time used</p>	<p>88</p> <p>1 and filed with the Clerk pursuant to Rule 203.3.</p> <p>2 I further certify that I am neither</p> <p>3 counsel for, related to, nor employed by any of the</p> <p>4 parties or attorneys in the action in which this</p> <p>5 proceeding was taken, and further that I am not</p> <p>6 financially or otherwise interested in the outcome of</p> <p>7 the action.</p> <p>8 Certified to by me this day, April 8,</p> <p>9 2019.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Debbie D. Cunningham, CSR</p> <p>CSR 2065</p> <p>Expiration: June 30, 2021</p> <p>INTEGRITY LEGAL SUPPORT SOLUTIONS</p> <p>3100 West Slaughter Lane, Suite A-101</p> <p>Austin, Texas 78748</p> <p>www.integrity-texas.com</p> <p>512-320-8690; FIRM # 528</p>
<p>87</p> <p>1 by each party at the deposition is as follows:</p> <p>2 BY MR. BANKSTON:</p> <p>3 BY MR. ENOCH:</p> <p>4 BY MR. OGDEN:</p> <p>5 That \$_____ is the deposition</p> <p>6 officer's charges to the Plaintiff for preparing the</p> <p>7 original deposition transcript and copies of exhibits,</p> <p>8 if any;</p> <p>9 That pursuant to information given to the</p> <p>10 deposition officer at the time said testimony was taken,</p> <p>11 the following includes counsel for all parties of</p> <p>12 record:</p> <p>13 COUNSEL FOR PLAINTIFF:</p> <p>14 KASTER LYNCH FARRAR & BALL, LLP</p> <p>15 1010 Lamar, Suite 1600</p> <p>16 Houston, Texas</p> <p>17 (T) 713.221.8300</p> <p>18 By: Mark D. Bankston, Esq.</p> <p>19 mark@fbtrial.com</p> <p>20 AND</p> <p>21 William Ogden, Esq. (VIA PHONE)</p> <p>22</p> <p>23 COUNSEL FOR DEFENDANTS:</p> <p>24 GLAST, PHILLIPS & MURRAY, P.C.</p> <p>25 14801 Quorum Drive, Suite 500</p> <p>Dallas, Texas</p> <p>(T) 972.419.8300</p> <p>By: Mark Enoch, Esq.</p> <p>mkenoch@gpm-law.com</p> <p>That a copy of this certificate was served</p> <p>on all parties shown herein on _____.</p>	

From: Adan S <adan@infowars.com>

To: "Louis S." <louis@infowars.com>

Subject: Fwd: Sandy Hook Lingerie Party Massacre 2000

Date: 2012-12-21 19:30:32 +0000

----- Forwarded Message -----

From: "luisito"

To: "Adan S"

Sent: Friday, December 21, 2012 11:24:08 AM

Subject: Re: Sandy Hook Lingerie Party Massacre 2000

You are seriously ill to send me something like that - Don't contact me any more or I will report you for harrassment you bunch of weirdos

Dnia 21 grudnia 2012 19:30 Adan S napisal(a):

> Hello Mr. Gonzalez,

>

> There is a vicious rumor that the date you posted your review of the "Sandy Hook Lingerie Party Massacre" on your site
aslashabove.com shows foreknowledge or prior planning, of the events that have taken place as of late.

>

> <http://www.godlikeproductions.com/forum1/message2087015/pg1>

>

> <http://aslashabove.com/2012/07/20/sandy-hook-lingerie-party-massacre-2000-review/>

>

> At first, we thought this was surely ridiculous, however, we're (Infowars.com) going to point it out in an article anyway and would like to
give you the opportunity to provide a comment.

>

> Thank you.

>

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN	§	IN DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	53 rd DISTRICT COURT
OWEN SHROYER,	§	
<i>Defendants</i>	§	

DECLARATION OF MARK BANKSTON

STATE OF TEXAS §
§
HARRIS COUNTY §

I, Mark Bankston, declare under penalty of perjury that the statements herein are true and correct:

1. My name is Mark Bankston. My date of birth is 10-10-1978. I am competent to make this declaration.
2. I am an attorney at the law firm Kaster Lynch Farrar & Ball, LLP, 1117 Herkimer, Houston, TX, 77008. I serve as lead counsel for the Plaintiff.
3. As a civil litigator, I have ten years of experience in complex tort lawsuits. I have tried over a dozen injury lawsuits to a jury, and I have represented scores of clients in over twenty different states in connection with various product liability, civil rights, employment, and negligence cases in state and federal court.
4. I currently serve on the Plaintiffs' Steering Committee in Multi-District Litigation for MDL-2666, *In re Bair Hugger Products Liability Litigation*, pending in U.S. District Court for the District of Minnesota. I am also the Plaintiffs' Briefing Chair for that consolidated proceeding. My billing in that lawsuit is submitted to the Plaintiffs' Steering Committee at a rate of \$550 per hour.
5. While this lawsuit is not as complex as a medical device mass tort, it nonetheless presented complicated legal and evidentiary issues which required an attorney of a high level of competence. Given the work itemized and described in this affidavit, I would value my time for the purposes of this affidavit at a rate of \$450 per hour.

6. I am personally familiar with the rates charged by other attorneys of my experience and professional background in this locality, and my rates are reasonable for the locality.
7. In connection with the Defendants' TCPA Motion, I rendered the following legal services in the trial court:

Date	Task	Time
07-14-2018 – 07-15-2018	Drafting Plaintiff's Mt for Expedited Discovery and proposed discovery requests	13.0
07-14-2018	Consultation with expert re: discovery	2.0
07-15-2018 – 07-17-2018	Drafting Plaintiff's Mt for Spoliation Sanctions	10.0
07-20-2018 – 07-26-2018	Review and notes on Defendants' 686-page TCPA motion to dismiss and exhibits	26.0
07-18-2018 – 07-21-2018	Legal research on authorities cited in TCPA motion	20.0
07-24-2018	Consultation with expert re: TCPA response	4.5
07-27-2018	Consultation with client re: TCPA response	5.0
07-30-2018	Research InfoWars, LLC website statements for affidavit	2.0
08-01-2018 – 08-06-2018	Legal research on issues raised in TCPA Motion	28.0
08-05-2018	Consultation with expert re: TCPA issue	2.5
08-07-2018 – 08-26-2018	Drafting Plaintiff's response to TCPA motion	58.0
08-30-2018	Oral hearing on TCPA motion and motion for expedited discovery	2.5
09-15-2018 – 09-18-2018	Deposition preparation – Alex Jones	18.0
09-19-2018 – 09-22-2018	Deposition preparation – Owen Shroyer	8.0
09-25-2018 – 09-26-2018	Deposition preparation – Free Speech Systems, LLC and InfoWars, LLC	10.0
10-01-2018	Drafting Plaintiff's Motion for Contempt	4.0
	TOTAL	213.5

8. Accordingly, for 213.5 hours of services at \$450/hour, I would place the reasonable value of attorney's fees incurred in the trial court at \$96,075.
9. All the work described was reasonable and necessary to respond to Defendants' TCPA motion.
10. I have also rendered the following legal services in connection with InfoWars' erroneous appeal:

Date	Task	Time
12-06-2018 – 12-10-2018	Review and notes on Appellants' brief and appendix	18.0
12-10-2018 – 12-14-2018	Legal research on authorities in cited Appellants' brief	20.0
12-16-2018 – 12-17-2018	Research of the record on appeal re: issues in Appellants' brief	12.0
12-18-2018 – 12-26-2018	Drafting of Appellees' brief	50.0
	TOTAL	100.0

11. Accordingly, for 100 hours of services at \$450/hour, I would place the reasonable value of attorney's fees for the appeal at \$45,000.

Executed in Harris County, State of Texas on September 29, 2019.



Mark Bankston

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Kyla Crumley

NO. D-1-GN-18-001835

NEIL HESLIN	§	IN THE DISTRICT COURT
<i>Plaintiff</i>	§	
	§	
VS.	§	
	§	TRAVIS COUNTY, TEXAS
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	
OWEN SHROYER	§	
<i>Defendants</i>	§	261 st JUDICIAL DISTRICT

**DEFENDANTS' STIPULATION AND RESPONSE TO
PLAINTIFF'S THIRD AMENDED PETITION**

This *Stipulation and Response to Plaintiff's Third Amended Petition* is brought by Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and Owen Shroyer (Defendants), and in support would respectfully show the Court the following:

I. Stipulation

Defendants agree to narrow the issues argued in the *Motion to Dismiss Under the Texas Citizens Participation Act* by assuming for purposes of the motion only that the well-pleaded factual allegations in the Petition are true. As a result, discovery is unnecessary.

II. Response to Plaintiff's Third Amended Petition

A. Introduction

Plaintiff, Neil Heslin, alleged causes of action against each Defendant when the *Motion to Dismiss* was filed were as follows:

<u>Defendant</u>	<u>Defamation</u>	<u>Defamation Per Se</u>	<u>Respondeat Superior</u>	<u>Conspiracy</u>	<u>Total Causes of Action</u>
Alex Jones	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017		(2) June 26 and July 20, 2017	6
INFOWARS, LLC	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	8
FREE SPEECH SYSTEMS,	(2) June 26 and July 20,	(2) June 26 and July 20,	(2) June 26 and July 20,	(2) June 26 and July 20,	8

LLC	2017	2017	2017	2017	
Owen Schroyer	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017		(2) June 26 and July 20, 2017	6
Total Causes of Action Against Defendants	28				

On August 8, 2019, Plaintiff filed *Plaintiff's Third Amended Petition*, nonsuiting all causes of action against all Defendants for conspiracy and respondeat superior. In total, Plaintiff nonsuited twelve causes of action. With the new amended pleading, only the following causes of action for defamation and defamation *per se* remain:

<u>Defendant</u>	<u>Defamation</u>	<u>Defamation Per Se</u>	<u>Total Causes of Action</u>
Alex Jones	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	4
INFOWARS, LLC	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	4
FREE SPEECH SYSTEMS, LLC	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	4
Owen Schroyer	(2) June 26 and July 20, 2017	(2) June 26 and July 20, 2017	4
Total Causes of Action Against Defendants	16		

Plaintiff nonsuited the twelve causes of action after the Defendants filed their *Motion to Dismiss*. Therefore, Defendants pending claims for affirmative relief under the TCPA, including dismissal with prejudice, attorney's fees, and sanctions against Plaintiff for these causes of action, survive the nonsuit.

B. Argument and Authorities

Under Texas law, parties have an inherent right to nonsuit their claims for relief at any time until they have introduced all evidence, other than rebuttal evidence, at trial. However, a party's decision to nonsuit does not control the fate of a nonmoving party's independent claims for affirmative relief. TEX. R. CIV. P. 162. A motion to dismiss that may afford more relief than a nonsuit affords constitutes a claim for affirmative relief that survives a nonsuit. *Rauhauser v. McGibney*, 508 S.W.3d 377, 381 (Tex. App.—Fort Worth 2014, no pet.) (citing to *CTL/Thompson Tex., LLC v. Starwood Homeowner's Ass'n, Inc.*, 390 S.W.3d 299, 300–01 (Tex. 2013)); *Villafani v. Trejo*, 251 S.W.3d 466, 468–69 (Tex.2008); *Klein v. Dooley*, 949 S.W.2d 307, 308 (Tex.1997). The TCPA mandates that if the court orders dismissal of a legal action, the court shall award the moving party: (1) court costs, reasonable attorney's fees, and other expenses incurred in defending against the legal action as justice and equity may require; and (2) sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter. TEX. CIV. PRAC. & REM. CODE §27.008(a)(1-2). Thus, a motion to dismiss under the TCPA may afford more relief than a nonsuit provides and constitutes affirmative relief that can be pursued and granted even after the claims have been withdrawn or nonsuited. *See e.g. Rauhauser v. McGibney*, 508 S.W.3d 377; *Walker v. Hartman*, 19-16-00299-CV, 2017 WL 1173827 (Tex. App.—Beaumont Mar. 30, 2017, no. pet. h.); *Souza v. Tessmer*, No. 04-15-00153-CV, 2015 Tex. App. LEXIS 8686, at *9 (Tex. App.—San Antonio 2015, no pet. h.); *James v. Calkins*, 446 S.W.3d 135, 146 (Tex. App.—Houston [1st Dist.] 2014, pet. denied).

In *Rauhauser*, the plaintiffs nonsuited all of their claims after the defendant filed a TCPA motion to dismiss. *Rauhauser*, 508 S.W.3d at 382. The *Rauhauser* Court held the defendant was

still entitled to a hearing on his motion to dismiss, seeking dismissal with prejudice, attorney's fees and sanctions. *Id.* The court further held that because the appellant met his burden to show by a preponderance of the evidence that the legal action against him was based on, related to, or in response to his exercise of free speech, and because the Plaintiffs nonsuited their claims and thus did not attempt to establish by clear and specific evidence each essential element of their claims, the motion to dismiss should have been granted. *Id.* The court remanded the case to the trial court to decide defendant's request for dismissal with prejudice, attorney's fees, and sanctions. *Id.*

As the *Rauhauser* court noted, "[a]lthough a plaintiff decides which of its own claims to pursue or to abandon, that decision does not control the fate of a nonmoving party's independent claims for affirmative relief." *Rauhauser*, 508 S.W.3d at 382. Like in *Rauhauser*, Defendants have met their burden to show by a preponderance of the evidence that the legal action against them was based on, related to, or in response to their exercise of the right of free speech, right to petition, and right of association. Plaintiff elected to nonsuit his causes of action pertaining to conspiracy and respondeat superior, rather than attempt to establish by clear and specific evidence a prima facie case for each essential element of his claims against Defendants. Therefore, this Court should grant Defendants' *Motion to Dismiss* as to the recently nonsuited twelve causes of action.

PRAYER

For the reasons set forth above, this Court should grant Defendants' *Motion to Dismiss* as to the recently nonsuited twelve causes of action.

Respectfully submitted,

BURNETTTURNER
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730
Tel: (512) 472-5060
Fax: (512) 472-5427



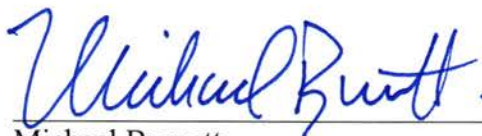
Michael Burnett
State Bar No. 00790399
mburnett@BurnettTurner.com
Scott Nyitray
State Bar No. 24094876
snyitray@BurnettTurner.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that pursuant to Rule 21 of the TEXAS RULES OF CIVIL PROCEDURE, a true and correct copy of foregoing document was served on the following attorney or party on October 1, 2019, as follows:

Via E-Service: mark@fbtrial.com

Mark D. Bankston
KASTER LYNCH FARRAR & BALL, LLP
117 Herkimer Street
Houston, Texas 77008



Michael Burnett

OCT 18 2019 RT

CAUSE NO. D-1-GN-18-001835

At 4:16 P. M.
Valva L. Price, District Clerk

NEIL HESLIN

Plaintiff

VS.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER,

Defendants

§
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§
§
§
§
§

IN DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

53rd DISTRICT COURT

**ORDER ON PLAINTIFF'S MOTION FOR CONTEMPT UNDER RULE 215 AND
DEFENDANTS' MOTION TO DISMISS UNDER THE TCPA**

On October 3rd, 2019, the Court heard Plaintiff's Motion for Contempt Under Rule 215 and Defendants' Motion to Dismiss under the Texas Citizens Participation Act (TCPA Motion). After hearing the arguments of counsel and considering the record, the Court finds that the Motion for Contempt should be granted and the TCPA Motion should be denied.

It is hereby ORDERED that pursuant to Rule 215.2(b)(3), the matters regarding which the August 31, 2018 order was made (Plaintiff's burdens in responding to Defendants' TCPA Motion) shall be taken to be established in favor of Plaintiff for the purposes of the TCPA Motion.

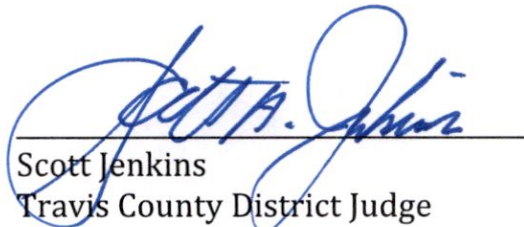
It is further ORDERED that pursuant to Rule 215.2(b)(8), the Court must require Defendants to pay the reasonable expenses, including attorney fees, caused by the failure to obey the August 31, 2018 order because the Court does not find that the failure was substantially justified or that other circumstances make an award of

expenses unjust. The Court orders costs and expenses of \$25,875 to be paid by Defendants, to be taxed as costs of court.

It is further ORDERED that Defendants' TCPA Motion is in all respects DENIED.

It is further ORDERED that even without taking Plaintiff's burdens in responding to Defendants' TCPA Motion to be established in favor of Plaintiff pursuant to TRCP 215.2(b)(3), Defendants' TCPA Motion must nevertheless be, and is, DENIED.

So ORDERED October 18, 2019.



Scott Jenkins
Travis County District Judge

NO. D-1-GN-18-001835

NEIL HESLIN
Plaintiff

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§
§

IN THE DISTRICT COURT

VS.

TRAVIS COUNTY, TEXAS

**ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER**
Defendants

261st JUDICIAL DISTRICT

MOTION FOR SUBSTITUTION OF COUNSEL

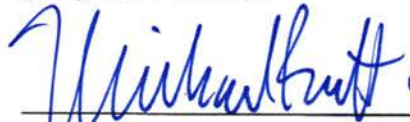
This *Motion for Substitution of Counsel* is brought by Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and Owen Shroyer (Defendants), who request the Court to grant permission to substitute Michael Burnett, BURNETTTURNER as attorney of record in this case.

Michael Burnett; BURNETTTURNER; 6034 W. Courtyard Drive, Suite 140, Austin, Texas 78730; Telephone: (512) 472-5060; Facsimile: (512) 472-5427; Email: mburnett@BurnettTurner.com; and State Bar No. 00790399, has been employed to represent Defendants as evidenced by their signature on this motion. Defendants approve this substitution. This substitution is not sought for delay only.

Defendants prays that the Court enter an order substituting Michael Burnett, BURNETTTURNER and discharging Mark C. Enoch, MARK C. ENOCH, P.C. and Glast, Phillips and Murray, PC as attorney of record for Defendants.

Respectfully submitted,

BURNETTTURNER
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730
(512) 472-5060
(512) 472-5427 Fax



Michael Burnett
State Bar No. 00790399
mburnett@BurnettTurner.com
Scott A. Nyitray
State Bar No. 24094876
snitray@BurnettTurner.com

SUBSTITUTING ATTORNEY FOR
DEFENDANTS

AGREED TO AND APPROVED:



Alex E. Jones, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
Owen Shroyer, Defendants

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that pursuant to Rule 21 of the TEXAS RULES OF CIVIL PROCEDURE, a true and correct copy of foregoing document was served on each below-named attorney of record or party on the 4th day of November 2019, as follows:

Via E-Service: mark@fbtrial.com

Mark D. Bankston

Kyle W. Farrar

William R. Ogden

KAster LYNCH FARRAR & BALL, L.L.P

1117 Herkimer Street

Houston, Texas 77008

ATTORNEYS FOR PLAINTIFF

Via E-Service: fly63rc@verizon.new

Mark C. Enoch

MARK C. ENOCH, P.C.

14801 Quorum Drive, Ste. 500

Dallas, Texas 75254

CURRENT ATTORNEY FOR DEFENDANTS



Michael Burnett

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Irene Silva

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN
Plaintiff

VS.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER
Defendants

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

NOTICE OF APPEARANCE OF COUNSEL

T. Wade Jefferies, Attorney, files this Notice of Appearance of Counsel on behalf of Alex E. Jones, INFORWARS, LLC, FREE SPEECH SYSTEMS, LLC, and Owen Shroyer, Defendants herein, as an attorney of record in accordance with the Texas Rules of Civil Procedure. All communications from the court or other counsel with respect to this suit shall be sent to the undersigned.

Respectfully submitted,

The Law Firm of T. Wade Jefferies
401 Congress Ave., Suite 1540
Austin, TX 78701

/s/ T. Wade Jefferies

T. Wade Jefferies

Attorney for: Defendants

Bar no: 00790962

Phone: (512) 201-2727

Fax: (512) 687-3499

Email: twadejefferies@twj-law.com

Certificate of Service

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure to all attorneys of record by electronic filing manager on November 7, 2019.

/s/ T. Wade Jefferies

T. Wade Jefferies

Attorney for: Defendants

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Selina Hamilton

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS,	§	
LLC, FREE SPEECH SYSTEMS,	§	
LLC and OWEN SHROYER,	§	
Defendants	§	53 rd DISTRICT COURT

DEFENDANTS' NOTICE OF INTERLOCUTORY APPEAL

To the Honorable Scott H. Jenkins:

On October 18, 2019, the Court signed an order denying *Defendants' Motion to Dismiss under the Texas Citizens' Participation Act*, which all Defendants in this case hereby appeal. Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer give notice of an interlocutory appeal to the Third District Court of Appeals pursuant to TEX. CIV. PRAC. & REM. CODE §51.014(a)(12). The appeal shall be expedited as provided by TEX. CIV. PRAC. & REM. CODE §27.008(b). All other proceedings in the trial court are stayed pending resolution of the appeal. TEX. CIV. PRAC. & REM. CODE §51.014(b).

Dated: November 7, 2019.

Respectfully submitted,

The Law Firm of T. Wade Jefferies
401 Congress Ave., Suite 1540
Austin, TX 78701

/s/ T. Wade Jefferies

T. Wade Jefferies

Attorney for: Alex E. Jones, INFOWARS,
LLC, FREE SPEECH SYSTEMS, LLC and
Owen Shroyer

Bar no: 00790962

Phone: (512) 201-2727

Fax: (512) 687-3499

Email: twadejefferies@twj-law.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that pursuant to Rule 21 of the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served on the following attorney via E-Service on November 7, 2019:

Mark D. Bankston
KASTER LYNCH FARRAR & BALL, LLP
1010 Lamar, Suite 1600
Houston, TX 77002
mark@fbtrial.com
Attorney for: Neil Heslin

/s/ T. Wade Jefferies

T. Wade Jefferies

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,
Plaintiff

§
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§

IN THE DISTRICT COURT OF

VS.

TRAVIS COUNTY, TEXAS

ALEX E. JONES, INFOWARS,
LLC, FREE SPEECH SYSTEMS,
LLC and OWEN SHROYER,
Defendants

53rd DISTRICT COURT

DESIGNATION OF COURT REPORTER'S RECORD

TO THE CLERK OF THE COURT:

Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC and Owen Shroyer, Defendants, filed a Notice of Appeal in this case on November 7, 2019. Defendants Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC and Owen Shroyer request the court reporter to prepare a transcript with exhibits of the October 3, 2019 hearing conducted before Judge Jenkins for inclusion in the appellate record.

Dated: November 7, 2019.

Respectfully submitted,

The Law Firm of T. Wade Jefferies
401 Congress Ave., Suite 1540
Austin, TX 78701

/s/ T. Wade Jefferies

T. Wade Jefferies

Attorney for: Defendants

Bar no: 00790962

Phone: (512) 201-2727

Fax: (512) 687-3499

Email: twadejefferies@twj-law.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that pursuant to Rule 21 of the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served via electronic filing manager on all attorneys of record on November 7, 2019:

/s/ T. Wade Jefferies

T. Wade Jefferies

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,
Plaintiff

§
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§

IN THE DISTRICT COURT OF

VS.

TRAVIS COUNTY, TEXAS

ALEX E. JONES, INFOWARS,
LLC, FREE SPEECH SYSTEMS,
LLC and OWEN SHROYER,
Defendants

53rd DISTRICT COURT

DESIGNATION OF FILINGS FOR CLERK'S RECORD

TO THE CLERK OF THE COURT:

Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC and Owen Shroyer, Defendants, filed a Notice of Appeal in this case on November 7, 2019. In accordance with APPELLATE RULE 34.5(a) and (b), Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC and Owen Shroyer, Defendants, request the clerk to prepare a clerk's record of the proceeding in this case for inclusion in the appellate record. This list includes those items required by Texas Rules of Appellate Procedure Rule 34.5(a).

Dated: November 7, 2019.

1. The Clerk's Docket Sheet for this case.
2. Plaintiff's Original Petition and Request for Disclosure (filed April 16, 2018)
3. Defendants' Original Answer (filed June 18, 2018)
4. Defendants' First Amended Answer (filed July 13, 2018)
5. Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed July 13, 2018)
6. Defendants' Notice of Hearing on Motion to Dismiss (filed July 19, 2018)

7. Defendants' Letter to Clerk with thumb drive containing video exhibits (filed July 23, 2018) Thumb drive to be included in Clerk's Record.

8. Plaintiff's Motion for Sanctions for Intentional Destruction of Evidence (filed August 17, 2018)

9. Plaintiff's Motion for Expedited Discovery in Aid of Plaintiff's Response to Defendants' TCPA Motion (filed August 17, 2018)

10. Defendants' Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery (filed August 23, 2018)

11. Plaintiff's Response to Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 27, 2018)

12. Supplemental Affidavit in Support of Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 27, 2018)

13. Defendants' First Amended Response to Plaintiff's Motion for Sanctions and Motion for Expedited Discovery and Defendants Motion for Sanctions (filed August 27, 2018)

14. Supplemental Affidavits in Support of Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 28, 2018)

15. Supplemental Affidavit in Support of Defendants' First Amended Response to Plaintiff's Motion for Expedited Discovery and Motion for Sanctions (filed August 28, 2018)

16. Defendants' Objections to Plaintiff's Evidence Submitted in Response to Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed August 29, 2018)

17. Defendants' First Supplemental Motion to Dismiss Under the Texas Citizens Participation Act (filed August 29, 2018)

18. Supplemental Affidavit in Support of Defendants' First Amended Response to Plaintiff's Motion for Expedited Discovery and Motion for Sanctions (filed August 29, 2018)

19. Defendants' Second Amended Answer (filed August 29, 2018)

20. Defendants' Second Supplemental Motion to Dismiss Under the Texas Citizens Participation Act (filed August 30, 2018)

21. Supplemental Affidavit in Support of Defendants' First Amended Response to Plaintiff's Motion for Expedited Discovery and Motion for Sanctions (filed August 30, 2018)

22. Letter to Clerk including a thumb drive containing Exhibit 3 to Defendants' Second Supplemental Motion to Dismiss Under the Texas Citizens Participation Act (filed August 30, 2018) Thumb drive to be included in Clerk's Record.

23. Letter to Clerk including a flash drive containing Exhibits B1 and B2 to Plaintiff's Response to Defendants' Motion to Dismiss (filed August 30, 2018) Flash drive to be included in Clerk's Record.

24. Order on Plaintiffs' Motion for Expedited Discovery and in Aid of Plaintiff's Response to Defendants' TCPA Motion (filed August 31, 2018)

25. Defendants' Request for Rulings on Timely Filed Objections to Plaintiff's Evidence (filed September 11, 2018)

26. Defendants' Second Request for Rulings on Timely Filed Objections to Plaintiff's Evidence (filed September 25, 2018)

27. Plaintiff's Motion for Contempt Under Rule 215 (filed October 1, 2018)

28. Alex E. Jones, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and Owen Shroyer's Notice of Interlocutory Appeal (filed October 2, 2018)

29. Plaintiff's First Amended Petition (filed on June 26, 2019)

30. Plaintiff's Third Amended Petition (filed on August 8, 2019)
31. Plaintiff's Supplemental Response to Defendants' Motion to Dismiss Under the Texas Citizens Participation Act (filed September 30, 2019)
32. Defendants' Stipulation and Response to Plaintiff's Third Amended Petition (filed October 1, 2019)
33. Order on Plaintiff's Motion for Contempt Under Rule 215 and Defendants' Motion to Dismiss Under the TCPA (filed October 18, 2019)
34. Defendants' Notice of Interlocutory Appeal (filed November 7, 2019)
35. Designation of Court Reporter's Record (filed November 7, 2019)
36. Designation of Filings for Clerk's Record (filed November 7, 2019)

Respectfully submitted,

The Law Firm of T. Wade Jefferies
401 Congress Ave., Suite 1540
Austin, TX 78701

/s/ T. Wade Jefferies
T. Wade Jefferies
Attorney for: Defendants
Bar no: 00790962
Phone: (512) 201-2727
Fax: (512) 687-3499
Email: twadejefferies@twj-law.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that pursuant to Rule 21 of the Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served via electronic filing manager on all attorneys of record on November 7, 2019:

/s/ T. Wade Jefferies
T. Wade Jefferies



Velva L. Price
District Clerk, Travis County
P. O. Box 679003
Austin, TX 78767

BILL OF COST FOR CLERK'S RECORD

November 08, 2019

T. WADE JEFFERIES
401 CONGRESS AVENUE, SUITE 1540
AUSTIN, TX 78701

AUSTIN, TX 78730-5064

CASE NUMBER: D-1-GN-18-001835

NEIL HESLIN

VS

ALEX E. JONES, INFOWARS, LLC., FREE SPEECH SYSTEMS, LLC, AND OWEN SHROYER

BALANCE DUE FOR CLERK'S RECORD OBO DF-1: \$3303.00

*****You can now pay your bill ONLINE*****

Visit <https://www.traviscountytexas.gov/district-clerk> and click on **Online Payment**

THE RECORD WAS REQUESTED BY: T. WADE JEFFERIES

Please direct your payment to the attention of the undersigned, **"Court Costs, Fines, or Fees are due to the Travis County District Clerk no later than 10 business days from the date of this "Bill of Costs".**

If you have any questions, or need further assistance, please contact the District Clerk's office.

Thank You,

Selina Hamilton

HAMILTON LYNDIA SELINA

Type/Form Number: B03 - 000002966

Administrative Offices
(512) 854-9737
Fax: 854-4744

Civil and Family Division
(512) 854-9457
Fax: 854-6610

Criminal Division
(512) 854-9420
Fax: 854-4566

Jury Office
(512) 854-4295
Fax: 854-4457



COURT OF APPEALS

Filed in The District Court
of Travis County, Texas

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

NOV 12 2019

At 6:03 P. M.
Velva L. Price, District Clerk

JEFF L. ROSE, CHIEF JUSTICE
MELISSA GOODWIN, JUSTICE
THOMAS J. BAKER, JUSTICE
GISELA D. TRIANA, JUSTICE
CHARI L. KELLY, JUSTICE
EDWARD SMITH, JUSTICE

JEFFREY D. KYLE, CLERK

November 12, 2019

Mr. T. Wade Jefferies
The Law Firm of T. Wade Jefferies
401 Congress Avenue Suite 1540
Austin, TX 78701
* DELIVERED VIA E-MAIL *

Mr. Mark Bankston
Kaster Lynch Farrar & Ball, LLP
1010 Lamar, Suite 1600
Houston, TX 77002
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-19-00811-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Counsel:

The Court has been advised that appellant has given notice of appeal. The cause in this Court will bear the number and style shown above. Cases in the Third Court of Appeals are governed by the Texas Rules of Appellate Procedure (Tex. R. App. P.) which may be accessed on the Court's website at <http://www.txcourts.gov/rules-forms/rules-standards/>. The Court provides all notices, orders, or other communications about a case by email. All documents filed with this Court must include the filer's email address in addition to any other information required by the Texas Rules of Appellate Procedure. It is the filer's responsibility to update the Court with any changes to their email address. In addition, at or before the time of a document's filing, the filing party must serve a copy of the document(s) on all parties to the proceeding. *See* Tex. R. App. P. 9.5.

Appellant is requested to forward the following items to this Court on or before **November 18, 2019**:

- **Docketing Statement** – *See* Tex. R. App. P. 32. Until the clerk's record is filed, the docketing statement is the primary source of important information about an appeal, including contact information for the parties and information about the order being appealed. A copy of the docketing statement is available on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>.
- **Challenge to Constitutionality of a State Statute** - Pursuant to Section 402.010 (a-1) of the Texas Government Code, any party challenging the constitutionality of a Texas Statute must file a "Challenge to the Constitutionality of a State Statute" form with the court in which the challenge is pending. This form can be accessed on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/forms/>. **Parties**

who are not challenging the constitutionality of a state statute need not file this form.

Unless an appellant is exempt by law or is presumed unable to afford payment of court costs, the trial-court clerk and court reporter are not required to file the clerk's and reporter's records until appellant has paid the required fees, or has made satisfactory arrangements to pay the fees. *See* Tex. R. App. P. 35.3(a)(2), (b)(3). If appellant has not already done so, written requests and arrangements for payment of the following records must be made on or before **November 18, 2019**.

- **Clerk's Record** - The Court may dismiss an appeal for want of prosecution if the clerk's record is not filed and it is appellant's fault. *See* Tex. R. App. P. 37.3(b); 42.3. Appellant should make arrangements for the clerk's record with the trial-court clerk and may file a written designation specifying additional items to be included in the clerk's record. *See* Tex. R. App. 34.5(b)(2).
- **Reporter's Record** - If appellant decides to include a reporter's record as part of the appellate record, a request in writing to the court reporter must be made. *See* Tex. R. App. P. 34.6(b). The request to the court reporter must designate the portions of the proceedings to be included in the record including any exhibits. Appellant must also file a copy of the request with the trial-court clerk. *See* Tex. R. App. P. 34.6. If a reporter's record is not filed, the Court may decide the appeal on those issues or points that do not require a reporter's record for a decision. *See* Tex. R. App. P. 37.3(c).

More information about the courts practices are available on the Court's website at <http://www.txcourts.gov/3rdcoa/practice-before-the-court/>. Please note, Tex. R. App. P. 9.6 requires that parties and counsel communicate with the appellate court about a case only through the clerk of the court.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker
Courtland Crocker, Deputy Clerk

cc: The Honorable Velva L. Price

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Selina Hamilton



401 Congress Ave., Suite 1540
Austin, TX 78701

twadejefferies@twj-law.com

Office: (512) 201-2727

Cell: (512) 751-6027

Fax: (512) 687-3499

www.twj-law.com

November 12, 2019

Chavela V. Crain
Official Court Reporter
53rd District Court, Travis County
1000 Guadalupe, Room 327
Austin, Texas 78721

Sent via USPS Priority Mail

RE: Job Number 1962-1; Cause No. D-1-GN-18-001835, Neil Heslin v. Alex E. Jones,
INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and Owen Shroyer, 53rd District Court,
Travis County, Texas.

Ms. Crain,

Attached is a check made payable to Chavela V. Crain in the amount of \$402.00 for the
preparation of the court transcript for appeal on the October 3, 2019 Hearing on Defendants'
Motion to Dismiss.

Please mail or email me a receipt at your convenience.

Thank you,

T. Wade Jefferies

Martindale-Hubbell®



Chavela V. Crain
Official Court Reporter
53rd District Court, Travis County
1000 Guadalupe, Room 327
Austin, Texas 78701
Phone: (512) 854-9322
Fax: (512) 854-0234
Chavela.Crain@traviscountytexas.gov

BILL OF COSTS

Invoice Date: November 8, 2019

Job Number: 1962-1

Bill to: T. Wade Jefferies
The Law Firm of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701
(512) 201-2727

Cause No. D-1-GN-18-001835,
Neil Heslin v. Alex E. Jones,
InfoWars, LLC, Free Speech
Systems, LLC, and Owen Shroyer,
53rd District Court, Travis County

<u>DATE TAKEN</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	Preparation of court transcript for appeal:	
10-03-19	Hearing on Motion to Dismiss	
	TOTAL	\$402.00

Please make check payable to:
Chavela V. Crain

Velva L. Price

**Travis County District Clerk
Travis County Courthouse Complex
P.O. Box 679003
Austin, Texas 78767-9003**



November 18, 2019



A Disk containing a complete copy of the clerk's record in cause number D-1-GN-18-001835 // 03-19-00811-CV, styled NEIL HESLIN vs. ALEX E. JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC AND OWEN SHROYER., was hand delivered by Selina Hamilton to the Third Court of Appeals clerk on November 18, 2019. The cost of the clerk's record was \$3303.00, and it was paid for on November 12, 2019.

3rd Court of Appeals Clerk

Selina Hamilton
Court Clerk II
Travis County District Clerk's Office
Civil Division

Administrative Offices
(512) 854-9457
fax: 854-4744

Civil and Family Division
(512) 854-9457
fax: 854-9549

Criminal Division
(512) 854-9420
fax: 854-4566

Jury Office
(512) 854-9669
fax: 854-4457

NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	
OWEN SHROYER,	§	
	§	
<i>Defendants</i>	§	261 st JUDICIAL DISTRICT

ORDER ON MOTION FOR SUBSTITUTION OF COUNSEL

On this date came on for consideration the Motion for Substitution of Counsel for Defendants Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer. Noting that defendants consent to this motion and substitution of counsel, the Court finds that it should be GRANTED.

Therefore it is ORDERED that Michael Burnett of Burnett Turner (6034 W. Courtyard Drive, Suite 140, Austin, Texas 78730) shall be substituted as counsel for Defendants and Defendants' counsel, Mark C. Enoch of Glast, Phillips & Murray, P.C., be permitted to withdraw as their counsel of record.

SIGNED this _____ day of _____, 2019.

JUDGE PRESIDING



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
MELISSA GOODWIN, JUSTICE
THOMAS J. BAKER, JUSTICE
GISELA D. TRIANA, JUSTICE
CHARI L. KELLY, JUSTICE
EDWARD SMITH, JUSTICE

JEFFREY D. KYLE, CLERK

Filed in The District Court
of Travis County, Texas

November 19, 2019

NOV 19 2019

At 6:02 P.M.
Velva L. Price, District Clerk

Mr. T. Wade Jefferies
The Law Firm of T. Wade Jefferies
401 Congress Avenue Suite 1540
Austin, TX 78701
* DELIVERED VIA E-MAIL *

Mr. Mark Bankston
Kaster Lynch Farrar & Ball, LLP
1010 Lamar, Suite 1600
Houston, TX 77002
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-19-00811-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Counsel:

On November 18, 2019, the one-volume clerk's record was filed in this Court.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker
Courtland Crocker, Deputy Clerk

cc: Ms. Chavela Crain
The Honorable Velva L. Price



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
MELISSA GOODWIN, JUSTICE
THOMAS J. BAKER, JUSTICE
GISELA D. TRIANA, JUSTICE
CHARI L. KELLY, JUSTICE
EDWARD SMITH, JUSTICE

JEFFREY D. KYLE, CLERK

December 4, 2019

Filed in The District Court
of Travis County, Texas

DEC 04 2019

At 6:01 P.M.
Velva L. Price, District Clerk

The Honorable Velva L. Price
Civil District Clerk
Travis County Courthouse
P. O. Box 1748
Austin, TX 78767
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-18-00650-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Ms. Price:

Enclosed, with reference to the above cause, is the mandate of this Court. Please file and execute in the usual manner. Your cooperation in this regard is appreciated.

In addition, as required by Texas Government Code, Sec. 51.204(d), the trial court clerk is notified that we will destroy all records filed in respect to this case with the exception of indexes, original opinions, minutes and general court dockets no earlier than six (6) years from the date final mandate is issued.

Very truly yours,


JEFFREY D. KYLE, CLERK

By: Courtland Crocker, Deputy Clerk

cc: Mr. Mark Bankston

Mr. Michael Burnett

MANDATE

THE STATE OF TEXAS

TO THE 261ST DISTRICT COURT OF TRAVIS COUNTY, GREETINGS:

Trial Court Cause No. D-1-GN-18-001835

Before our Court of Appeals for the Third District of Texas on August 30, 2019, the cause on appeal to revise or reverse your judgment between

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and
Owen Shroyer

No. 03-18-00650-CV v.

Neil Heslin

Was determined, and therein our Court of Appeals made its order in these words

Having reviewed the record, it appears that the Court lacks jurisdiction over this appeal. Therefore, the Court dismisses the appeal for want of jurisdiction. Appellant shall pay all costs relating to this appeal, both in this Court and in the court below.

Wherefore, we command you to observe the order of our Court of Appeals in this behalf and in all things have the order duly recognized, obeyed, and executed.



Witness the Honorable Jeff L. Rose, Chief Justice of the Court of Appeals for the Third District of Texas, with the seal of the Court affixed in the City of Austin on December 04, 2019.



JEFFREY D. KYLE, CLERK

By: Courtland Crocker, Deputy Clerk

BILL OF COSTS

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

No. 03-18-00650-CV

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer

v.

Neil Heslin

(No. D-1-GN-18-001835 IN 261ST DISTRICT COURT OF TRAVIS COUNTY)

Type of Fee	Charges	Paid	By
FILING	\$10.00	E-PAID	JILL BAUERLEIN
FILING	\$10.00	E-PAID	JILL BAUERLEIN
FILING	\$10.00	E-PAID	DAVID GUILLEN
SUPPLEMENTAL CLERK'S RECORD	\$11.00	UNKNOWN	UNKNOWN
FILING	\$10.00	E-PAID	MELANIE ILLIG
FILING	\$10.00	E-PAID	MELANIE ILLIG
FILING	\$10.00	E-PAID	MELANIE ILLIG
REPORTER'S RECORD	\$1,086.00	UNKNOWN	UNKNOWN
CLERK'S RECORD	\$3,192.00	UNKNOWN	UNKNOWN
INDIGENT	\$25.00	E-PAID	MELANIE ILLIG
FILING	\$100.00	E-PAID	MELANIE ILLIG
SUPREME COURT CHAPTER 51 FEE	\$50.00	E-PAID	MELANIE ILLIG
STATEWIDE EFILING FEE	\$30.00	E-PAID	MELANIE ILLIG

Balance of costs owing to the Third Court of Appeals, Austin, Texas: 0.00

Court costs in this cause shall be paid as per the Judgment issued by this Court.

I, **JEFFREY D. KYLE**, CLERK OF THE THIRD COURT OF APPEALS OF THE STATE OF TEXAS, do hereby certify that the above and foregoing is a true and correct copy of the cost bill of THE COURT OF APPEALS FOR THE THIRD DISTRICT OF TEXAS, showing the charges and payments, in the above numbered and styled cause, as the same appears of record in this office.



IN TESTIMONY WHEREOF, witness my hand and the Seal of the **COURT OF APPEALS** for the Third District of Texas on December 4, 2019.


JEFFREY D. KYLE, CLERK

By: Courtland Crocker, Deputy Clerk

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Filed in The District Court
of Travis County, Texas

NO. 03-19-00811-CV

MAR 25 2020

At 6:04 P. M.
Velva L. Price, District Clerk

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer, Appellants

v.

Neil Heslin, Appellee

FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-GN-18-001835, THE HONORABLE SCOTT H. JENKINS, JUDGE PRESIDING

MEMORANDUM OPINION

Appellants Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer appeal from the district court's order denying their motion to dismiss under section 27.003 of the Texas Citizens Participation Act (TCPA). *See* Tex. Civ. Prac. & Rem. Code § 27.003.¹ We will affirm the district court's denial of Appellants' motion to dismiss.

BACKGROUND

Neil Heslin's son, Jesse, was killed in the Sandy Hook Elementary School shooting in December 2012. In June 2017, Heslin participated in a television interview during which he responded to claims by Jones that the shooting at Sandy Hook was "a giant hoax."

¹ The TCPA was amended in the 2019 legislative session, but those amendments do not apply to this lawsuit, which was filed before the amendments' effective date. *See* Act of May 17, 2019, 86th Leg., R.S., ch. 378, §§ 11, 12, 2019 Tex. Gen. Laws 684, 687 (amendments to TCPA apply "only to an action filed on or after" September 1, 2019).

Shortly thereafter, Appellants aired broadcasts disputing Heslin's account of how he lost his son. In response, Heslin sued Appellants for defamation and defamation per se related to Appellants' statements disputing Heslin's claim that he held his deceased son in his arms. On July 13, 2018, Appellants filed a motion to dismiss Heslin's claims under the TCPA. In August 2018, Heslin filed a motion for expedited discovery. Heslin also responded to the motion to dismiss. On August 30, 2018, the district court held a hearing to consider the pending motions. At that hearing, the court determined that it would grant limited discovery relevant to the motion to dismiss. *See* Tex. Civ. Prac. & Rem. Code § 27.006(b). Because Appellants did not respond to any discovery requests, Heslin filed a motion for contempt, seeking sanctions under Rule 215. *See* Tex. R. Civ. P. 215. The day Heslin filed his contempt motion, Appellants filed a notice of appeal, asserting that their TCPA motion had been dismissed by operation of law. *See* Tex. Civ. Prac. & Rem. Code § 27.008(a) (providing for denial by operation of law if a trial court does not rule within the time limits prescribed by the TCPA). This Court dismissed that premature appeal for want of jurisdiction because the district court had not yet ruled on the motion at issue. *Jones v. Heslin*, 587 S.W.3d 134, 136-37 (Tex. App.—Austin 2019, no pet.).

The district court then held a hearing on Appellants' still-pending TCPA motion to dismiss and Heslin's motion for sanctions. At the hearing, Appellants acknowledged that they never responded to discovery and confirmed their agreement to stipulate, for purposes of the TCPA motion, that all of the factual allegations in Heslin's pleadings are true. Appellants' counsel further explained that "it really comes down to whether or not the Court finds that what the defendants are alleged to have done is protected expressions of opinion or alleged statements of fact." The district court granted Heslin's motion for sanctions and ordered that "pursuant to Rule 215.2(b)(3), the matters regarding which the August 31, 2018 order was made (Plaintiff's

burdens in responding to Defendants' TCPA Motion) shall be taken to be established in favor of Plaintiff for the purposes of the TCPA Motion." That is, under the district court's order, Heslin has met his burden to establish a prima facie case for defamation under the TCPA. In the same order, the district court denied the TCPA motion, specifying that the motion would have been denied even without taking the Rule 215.2(b)(3) sanctions into account. Appellants assert on appeal that the district court erred in denying their motion to dismiss. However, Appellants do not complain on appeal about the sanctions order. In fact, neither their brief nor their reply mention their stipulation to the facts alleged in Heslin's pleadings nor the sanctions awarded by the district court. Heslin responded, arguing that (1) this appeal is rendered frivolous by the unchallenged contempt sanctions establishing all the matters contained in Heslin's court approved written discovery (the subject of the August 31, 2018 order) and (2) even in the absence of the sanctions, Heslin met his burdens under the TCPA to survive dismissal. Heslin has also moved for sanctions in this Court under Texas Rule of Appellate Procedure 45, arguing that Appellants' appeal is frivolous "for several reasons," including the fact that Appellants' brief ignores the existence of the Rule 215 sanctions establishing discovery responses in Heslin's favor.

ANALYSIS

Generally, "[r]eviewing a TCPA motion to dismiss requires a three-step analysis." *Youngkin v. Hines*, 546 S.W.3d 675, 679 (Tex. 2018). As a threshold matter, the moving party must show by a preponderance of the evidence that the TCPA properly applies to the legal action against it. Tex. Civ. Prac. & Rem. Code § 27.005(b). If the moving party meets that burden, the nonmoving party must establish "by clear and specific evidence a prima facie case for each

essential element of the claim in question.” *Id.* § 27.005(c). If the nonmoving party satisfies that requirement, the burden shifts back to the moving party to prove each essential element of any valid defense by a preponderance of the evidence. *Id.* § 27.005(d).

“In determining whether a legal action should be dismissed under [the TCPA], the court shall consider the pleadings and supporting and opposing affidavits stating the facts on which the liability or defense is based.” *Id.* § 27.006(a). We review de novo whether each party carried its assigned burden. *Long Canyon Phase II & III Homeowners Ass’n v. Cashion*, 517 S.W.3d 212, 217 (Tex. App.—Austin 2017, no pet.).

Although in their initial brief Appellants argue extensively that the TCPA applies, Heslin does not dispute the applicability of the TCPA. Appellants’ brief also argues at length that Heslin has not established a prima facie case for defamation or defamation per se. However, Appellants’ reply brief acknowledges that the Rule 215 discovery sanction “relieves [Heslin] of the burden . . . under Tex. Civ. Prac. & Rem. Code §27.005(c).” In other words, Appellants concede that the effect of the district court’s unchallenged sanctions order is that Heslin has met his burden to establish a prima facie case for each essential element of defamation and defamation per se. Therefore, Appellants are proceeding solely “under Tex. Civ. Prac. & Rem. Code §27.005(d),” to determine whether they established a valid defense to Heslin’s claims. We therefore assume the TCPA applies and consider, in light of Appellants’ stipulation to the truth of all facts asserted in Heslin’s pleadings and the sanctions imposed by the district court, whether Appellants proved each essential element of a valid defense by a preponderance of the evidence.

Statute of Limitations

Appellants first assert the one-year statute of limitations as a defense “to the extent that Heslin’s claims are based on any alleged ‘long history’ of defamatory statements.” Although Heslin’s pleadings and brief contain Appellants’ “history” of statements regarding the death of Heslin’s son as background and to show knowledge of falsity or Appellants’ intent, the statements that serve as the basis for the current suit were made in two broadcasts: one in June 2017 and the other in July 2017. Heslin filed suit in April 2018, and Appellants seem to acknowledge that the broadcasts made in summer of 2017, if they are defamatory “in and of themselves,” may serve as the basis of a timely filed claim for defamation. Having conceded that, for the purposes of the TCPA motion, Heslin established a prima facie case for defamation as to the statements made in the summer of 2017, Appellants are not entitled to dismissal based on the statute of limitations.

Timely Requesting a Correction

In their second alleged defense on appeal, Appellants argue that Heslin was required to seek a correction “not later than the 90th day after receiving knowledge of the publication” in order to recover exemplary damages. Appellants do not present any argument or evidence regarding when Heslin learned of the broadcasts, though they state that he requested a correction on April 11, 2018. Relying on an affidavit attached to his petition, Heslin argues that he learned of the broadcast during the first week of April 2018, shortly before requesting a correction. Because Appellants identify no evidence as a basis for their argument that Heslin failed to timely request a correction, they have not met their burden under the TCPA to prove each element of this defense by a preponderance of the evidence, and are therefore not entitled to dismissal.

Protected Statements of Opinion

Appellants' third defense is that their statements were opinions. By agreeing that Heslin established his prima facie case for defamation, as discussed above, which includes the element of publishing a "false statement of fact," Appellants seem to have already acknowledged they made at least one false statement of fact. *See Dallas Morning News, Inc. v. Hall*, 579 S.W.3d 370, 380 (Tex. 2019) (listing elements of defamation). However, without addressing any particular statements alleged as the basis of Heslin's claims, Appellants argue, generally, that their statements are constitutionally protected expressions of opinion, rather than statements of fact. "Whether a statement is an opinion is a question of law." *Dallas Morning News, Inc. v. Tatum*, 554 S.W.3d 614, 639 (Tex. 2018). "And, like the determination whether a publication is false and defamatory, the determination whether a publication is an actionable statement of fact or a protected expression of opinion depends upon a reasonable person's perception of the entirety of the publication." *Vice v. Kasprzak*, 318 S.W.3d 1, 18 (Tex. App.—Houston [1st Dist.] 2009, pet. denied) (citing *Bentley v. Bunton*, 94 S.W.3d 561, 580 (Tex. 2002)). To distinguish between fact and opinion, the Texas Supreme Court has determined that we are to use *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990), as our guide. *Bentley*, 94 S.W.3d at 579. The *Milkovich* court declined to develop an unnecessary and artificial distinction between opinion and factual assertions. *Id.* at 579-80; *see Milkovich*, 497 U.S. at 19. The Texas Supreme Court extrapolated from *Milkovich* the following principles that apply in determining whether a statement is one of opinion or fact: (1) the statement must be provable as false, at least "where public-official or public-figure plaintiffs [are] involved"; (2) constitutional protection is afforded to "statements that cannot 'reasonably be interpreted as stating actual facts'" in order to assure "that public debate will not suffer for lack of 'imaginative expression' or . . . 'rhetorical

hyperbole””; (3) “where a statement of ‘opinion’ on a matter of public concern reasonably implies false and defamatory facts regarding public figures or officials, those individuals must show that such statements were made with knowledge of their false implications or with reckless disregard of their truth”; or if the statement involves a private figure on a matter of public concern, the “plaintiff must show that the false connotations were made with some level of fault”; and (4) the statements must be given “enhanced appellate review” to assure that these determinations are made in a manner that does not “constitute a forbidden intrusion” into free speech. *Bentley*, 94 S.W.3d at 580.

We note that in Appellants’ brief and reply brief, they rely on the Texas Supreme Court’s opinion in *Carr v. Brasher*, 776 S.W.2d 567 (Tex. 1989), to argue that their statements constitute opinions rather than facts. However, as the Texas Supreme Court observed in *Bentley*, *Carr* was decided without the benefit of guidance from the United States Supreme Court’s decision in *Milkovich*. *Bentley*, 94 S.W.3d at 579 n.36. Both *Bentley* and *Milkovich* are cited in Appellant’s brief for other propositions, but these precedents are absent from Appellants’ arguments regarding whether Appellants’ statements are actionable. *Carr* differed from *Milkovich* in that *Carr* stated that “all assertions of opinion are protected by the first amendment of the United States Constitution and article I, section 8 of the Texas Constitution,” 776 S.W.2d at 570, while *Milkovich* refused to make that bright-line distinction on the ground that such an interpretation would “ignore the fact that expressions of ‘opinion’ may often imply an assertion of objective fact,” *Milkovich*, 497 U.S. at 19. Even under *Carr*, false statements of fact (that are otherwise defamatory, as has already been established for purposes of this TCPA motion) would be actionable. *See Carr*, 776 S.W.2d at 570.

To determine whether the two broadcasts at issue contained solely protected statements of opinion, we briefly review some of the statements made in each broadcast. The June broadcast featured Shroyer, an Infowars reporter, commenting on Heslin's statement about holding his deceased son:

Neil Heslin, a father of one of the victims, during the interview described what happened the day of the shooting and basically what he said, the statement he made, fact checkers on this have said cannot be accurate. He's claiming that he held his son and saw the bullet hole in his head. That is his claim. Now, according to a timeline of events and a coroner's testimony, that is not possible.

Shroyer further comments: "You would remember if you held your dead kid in, in your hands with a bullet hole. That's not something that you would just misspeak on. So let's roll the clip first, Neil Heslin telling Megyn Kelly of his experience with his, with, uh, with his kid." The broadcast then shows a clip of Heslin telling Megyn Kelly about how his son was murdered at Sandy Hook Elementary and that he held Jesse "with a bullet hole through his head." Following that clip, Shroyer stated that Heslin was "making a pretty extreme claim that would be a very thing vivid in your memory, holding his dead child. Now here is an account from the coroner that does not cooperate with that narrative." At that point, the broadcast shows a clip of a person stating

We did not bring the bodies and the families into contact. We took pictures of them, of their facial features. It's easier on the families when you do that. There is a time and a place for up close and personal in the grieving process, but to accomplish this, we felt it would be best to do it this way. You can control the situation depending on your photographer, and I have very good photographers.

In the July broadcast, Alex Jones states that he will play a video that “pointed out an anomaly” “concerning Sandy Hook.” Before playing that video, Jones questioned the honesty of the media, then asked, regarding the events and reporting on Sandy Hook:

Is there a blue screen where Anderson Cooper’s face disappearing? Are there kids going in circles in the video shots? Did they hold back the helicopters? Did they have port-a-potties there in an hour and a half? Did they run it like a big PR operation? Do they get all these conflicting stories in the media? Absolutely. . . . I’m questioning known liars in the media.

He then introduces the clip of Shroyer from the June broadcast where Shroyer plays the clip of Heslin followed by what Shroyer identifies as a clip of the coroner, commenting that Heslin “needs to clarify” the “anomaly.” Following the Shroyer clip, Jones stated:

you’ve got CNN and MSNBC both with different groups of parents and the coroner saying we weren’t allowed to see our kids basically ever, what they sound like they’re saying, but we see a father, a grieving father saying that he dropped him off with a book bag, got him back in a body bag. . . . we need to get clarification on what went on, and I couldn’t ever find out. The stuff I found was they never let them see their bodies.

In context, at least some of Shroyer’s statements in the June broadcast, including the statement “according to a timeline of events and a coroner’s testimony, [Heslin having held his son’s body] is not possible,” are verifiable statements of fact challenging the veracity of Heslin’s statement that he held his son’s body. Likewise, at least some of Jones’s comments, including the series of questions about the circumstances surrounding the events and reporting on Sandy Hook and his statement that “they never let them see the bodies,” are statements of fact that could be proven false and that challenge Heslin’s account of events. Thus, Appellants have not established by a

preponderance of the evidence a defense that their statements were constitutionally protected opinions, and they are not entitled to dismissal based on this defense.

Substantial Truth Doctrine

Appellants assert a statutory substantial truth doctrine as their fourth defense. “[M]edia outlets that accurately report allegations made by a third party about matters of public concern can assert the truth as a defense.” *Hall*, 579 S.W.3d at 380 (citing Tex. Civ. Prac. & Rem. Code § 73.005(b)). Appellants assert that the June broadcast reported and commented on third-party allegations, and they argue that faithfully reiterating third-party allegations renders Appellants’ statements “substantially true,” regardless of the actual facts surrounding Sandy Hook. However, in context, some of the comments made by Shroyer and Jones were independent statements of fact that disputed Heslin’s account of the events at Sandy Hook and whether he held his son’s body. In addition, by stipulating to the truth of the facts asserted in Heslin’s pleading, Appellants have stipulated that Shroyer’s report was “manifestly false” and that Jones was “lying.” In other words, they have stipulated that they made false statements. They have also acknowledged that Heslin has established his prima facie case for defamation, which included a showing that Appellants’ statements were false. *See Hall*, 579 S.W.3d at 377 (listing elements of defamation). Moreover, the unchallenged discovery sanctions relieved Heslin of his burden under the TCPA motion with regard to matters discussed at the August 31, 2018 order, which included discovery regarding Appellants’ “factual assertions,” and a request for admission to Shroyer asking that he admit he “had no legitimate basis to claim it was impossible for Neil Heslin to have held his dead son and saw a bullet wound to his forehead.”

Under the circumstances, Appellants are not entitled to dismissal based on the defense of substantial truth in reporting third-party allegations.

Fair Comment Privilege

Appellants' fifth defense is the fair comment privilege. "The fair comment privilege is an affirmative defense to a defamation action extending to publications that are 'reasonable and fair comment on or criticism[s] of . . . matter[s] of public concern published for general information.'" *D Magazine Partners, L.P. v. Rosenthal*, 529 S.W.3d 429, 434 (Tex. 2017) (quoting Tex. Civ. Prac. & Rem. Code § 73.002(a), (b)(2)). "[I]f a comment is based upon a substantially false statement of fact the defendant asserts or conveys as true, the comment is not protected by the fair comment privilege." *Id.* (quoting *Neely v. Wilson*, 418 S.W.3d 52, 70 (Tex. 2013)). In light of our holdings above and conclusion that Appellants have stipulated that their statements were false, Appellants are not entitled to dismissal based upon the fair comment privilege.

Liability of Infowars, LLC

As a final defense, Appellants urge that Infowars, LLC, is not liable for the defamation "based on undisputed facts" because it "does not own or operate the domain name or website located at <https://www.infowars.com>, where the publications originated"; it has never employed Jones or Shroyer; and it never had authority or control over the content of the broadcasts. In response, Heslin asserts that this Court has previously determined that Infowars, LLC, is a proper party based on evidence that is identical to the evidence in this record. *See Infowars, LLC v. Fontaine*, No. 03-18-00614-CV, 2019 Tex. App. LEXIS 9303, 2019 WL 5444400, at *4-8 (Tex. App.—Austin Oct. 24, 2019, pet. filed) (mem. op.) (determining, based

on the same evidence submitted in this case, that appellee “has established by clear and specific evidence the minimum quantum of evidence necessary to support a rational inference that Infowars, LLC is a proper defendant”). The record in *Fontaine*, as here, contains a document entitled “INFOWARS LLC, TERMS OF USE & PRIVACY POLICY” (Terms of Use), which contains Infowars.com’s terms of service.² We conclude, as we did in *Fontaine*, that the Terms of Use show that users of Infowars.com initiated a relationship with Infowars, LLC, and that Infowars, LLC, was involved in the website’s operation. *See id.* at *7-8. As a result, we conclude that Heslin has established by clear and specific evidence the minimum quantum of evidence necessary to support a rational inference that Infowars, LLC, is a proper defendant. However, even without considering the Terms of Use, we would nonetheless reach the same conclusion based on the unchallenged discovery sanctions. Heslin submitted a request for admission that as of the date of the June broadcast “InfoWars, LLC had the right to direct or control” Shroyer’s work. He also submitted a request for admission to Infowars, LLC, asking it to admit that (1) it “was involved in the creation, research, editing, marketing, funding, staffing, distribution, or publication of the” June broadcast; (2) it “possesses intellectual property rights and copyright over any part of the” June broadcast; and (3) it “has the authority to remove content from InfoWars.com if InfoWars, LLC determines that the content violates the rights of others or is not appropriate for the website.” Under the sanctions imposed by the district court, these requests are admitted for purposes of the TCPA motion. These admissions contradict Appellants’ argument that Infowars, LLC, lacked control or authority over at least the June broadcast. We conclude that Infowars, LLC, is not entitled to dismissal for not being liable

² Appellants assert that they objected to the Terms of Use as irrelevant because the Terms of Use do not bear on whether Appellants’ statements are defamatory. The district court has not ruled on this objection.

“based on undisputed facts.” Having overruled Appellants’ issues relating to their defenses, we next address Heslin’s motion for sanctions.

Sanctions

Heslin contends this appeal is frivolous and seeks \$22,250 for the amount of attorney’s fees incurred in defending against the appeal and moving for sanctions. “If the court of appeals determines that an appeal is frivolous, it may—on motion of any party or on its own initiative, after notice and a reasonable opportunity for response—award each prevailing party just damages.” Tex. R. App. P. 45; *see Caldwell v. Zimmerman*, No. 03-17-00273-CV, 2017 Tex. App. LEXIS 10010, *8 (Tex. App.—Austin Oct. 26, 2017, pet. denied) (mem. op.) (“The decision to grant appellate sanctions is a matter of discretion that an appellate court exercises with prudence and caution and only after careful deliberation.”). “To determine whether an appeal is frivolous, we apply an objective test.” *Hunt v. CIT Grp./Consumer Fin., Inc.*, No. 03-09-00046-CV, 2010 Tex. App. LEXIS 2767, at *27 (Tex. App.—Austin Apr. 15, 2010, pet. denied) (mem. op.) (citing *Smith v. Brown*, 51 S.W.3d 376, 381 (Tex. App.—Houston [1st Dist.] 2001, pet. denied. We review the record from the advocate’s viewpoint and decide whether he had reasonable grounds to believe the judgment could be reversed. *Id.* Although bad faith is not dispositive in deciding whether an appeal is frivolous, the presence of bad faith may be relevant to determining the amount of the sanction. *Id.*

In addition to arguing that Appellants’ brief makes a host of factual misrepresentations, Heslin asserts that Appellants’ omission of the “critical” fact of the existence of unchallenged discovery sanctions in the district court warrants sanctions here because the district court sanctions had a “dispositive effect.” He further observes in his reply brief that

Appellants' brief "addresses every element of Heslin's burdens as if the discovery misconduct never happened." Rather than mentioning only the issues before this Court, Appellants' brief seeks to relitigate issues resolved by the district court that remain unchallenged on appeal, such as Heslin's burden to establish a prima facie case for defamation. We agree with Heslin that this appeal was frivolous. Our reasons include that Appellants stipulated to the truth of the facts contained in Heslin's pleadings, Appellants incurred a discovery sanction ordering Heslin's burdens in responding to Defendants' TCPA Motion established in Heslin's favor for the purposes of the TCPA Motion, and Appellants presented arguments that lacked legal merit, including those based on caselaw that had been identified as outdated in another case they cited. Accordingly, we conclude Appellants lacked reasonable grounds to believe the judgment could be reversed. Although not dispositive, we note that most of Appellants' brief addresses issues outside the scope of the appeal, Appellants' brief does not completely address the issues before the Court, and Appellant's brief fails to mention the discovery sanctions. These factors favor awarding Heslin the fees he has requested.

CONCLUSION

We affirm the district court's dismissal of Appellants' motion to dismiss, and we grant Heslin's motion for sanctions and award him \$22,250 for attorney's fees.

Gisela D. Triana, Justice

Before Chief Justice Rose, Justices Baker and Triana

Affirmed

Filed: March 25, 2020

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

JUDGMENT RENDERED MARCH 25, 2020

NO. 03-19-00811-CV

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer, Appellants

v.

Neil Heslin, Appellee

**APPEAL FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY
BEFORE CHIEF JUSTICE ROSE, JUSTICES BAKER AND TRIANA
AFFIRMED -- OPINION BY JUSTICE TRIANA**

This is an appeal from the interlocutory order signed by the trial court on October 18, 2019. Having reviewed the record and the parties' arguments, the Court holds that there was no reversible error in the trial court's order. Therefore, the Court affirms the trial court's order. The Court grants Heslin's motion for sanctions and awards him \$22,250 for attorney's fees. Appellant shall pay all costs relating to this appeal, both in this Court and in the court below.

**COURT OF APPEALS
FOR THE
THIRD DISTRICT OF TEXAS**
P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
(512) 463-1733

Date: March 25, 2020

Appeal No.: 03-19-00811-CV
Trial Court No.: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Please be advised that Appellee's Motion for Sanctions was granted on the date noted above.
Also, the enclosed opinion and judgment were sent this date to the following persons:

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DISTRICT CLERK TRAVIS COUNTY
TRAVIS COUNTY COURT
P. O. BOX 679003
AUSTIN, TX 78767
* DELIVERED VIA E-MAIL *

Filed in The District Court
of Travis County, Texas

JAN 22 2021 DS

At 6:13 PM.
Velva L. Price, District Clerk

FILE COPY

RE: Case No. 20-0347 DATE: 1/22/2021
COA #: 03-19-00811-CV TC#: D-1-GN-18-001835
STYLE: JONES v. HESLIN

Today the Supreme Court of Texas denied the petition
for review in the above-referenced case.

DISTRICT CLERK TRAVIS COUNTY
TRAVIS COUNTY COURT
P. O. BOX 679003
AUSTIN, TX 78767
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 20-0347
COA #: 03-19-00811-CV
STYLE: JONES v. HESLIN
DATE: 2/19/2021
TC#: D-1-GN-18-001835

Today the Supreme Court of Texas granted the motion for extension of time to file motion for rehearing in the above-referenced case. The motion for rehearing is due to be filed in this office on or before **Wednesday, March 10, 2021**.
FURTHER REQUESTS FOR EXTENSIONS OF TIME FOR THIS FILING WILL NOT BE CONSIDERED.

Filed in the District Court
Of Travis County, Texas
FEBRUARY 19, 2021 6PM
At
Velva L. Price, District Clerk
DISTRICT CLERK TRAVIS COUNTY
TRAVIS COUNTY COURT
P. O. BOX 679003
AUSTIN, TX 78767
* DELIVERED VIA E-MAIL *

At FEBRUARY 23, 2021 6:03 PM
Velva L. Price, District Clerk



THE SUPREME COURT OF TEXAS

Post Office Box 12248

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Filed in the District Clerk
Of Travis County, Texas

Wednesday, February 24, 2021

FEBRUARY 24, 2021 6:02 PM

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RE: Case Number: 20-0347
Court of Appeals Number: 03-19-00811-CV
Trial Court Number: D-1-GN-18-001835

Style: ALEX E. JONES; INFOWARS, LLC; FREE SPEECH SYSTEMS, LLC; AND OWEN
SHROYER
v.
NEIL HESLIN

Dear Counsel:

Today the Supreme Court of Texas granted the Motions for Pro Hac Vice of Marc J. Randazza in the above-referenced case.

Sincerely,

A handwritten signature in black ink that reads "Blake A. Hawthorne".

Blake A. Hawthorne, Clerk

by Haley Marlow, Deputy Clerk



THE SUPREME COURT OF TEXAS

Post Office Box 12248

Austin, Texas 78711

(512) 463-1312

cc: Mr. Jeffrey D. Kyle (DELIVERED VIA E-MAIL)
District Clerk Travis County (DELIVERED VIA E-MAIL)



Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Sandra Santos

LORA J. LIVINGSTON
Local Administrative Judge

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DISTRICT COURTS

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March 9, 2021

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Re: Cause No. D-1-GN-18-001605; Marcel Fontaine vs. Alex E. Jones, INFOWARS, LLC, et al; in the 459th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001835; Neil Heslin vs. Alex E. Jones, INFOWARS, LLC, et al; in the 261st Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001842; Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al; in the 345th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-006623; Scarlett Lewis vs. Alex E. Jones, InfoWars, LLC, and Free Speech Systems, LLC; in the 98th Judicial District, Travis County, Texas

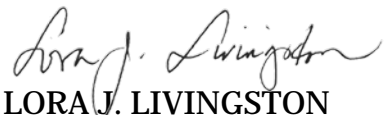
Re: Cause No. D-1-GN-19-004651; Neil Heslin vs. Alex E. Jones, InfoWars, LLC and Free Speech Systems, LLC; in the 261st Judicial District, Travis County, Texas

Dear Counsel:

In accordance with Chapter 2.6, the above cases have been **reassigned** from **JUDGE SCOTT JENKINS to JUDGE MAYA GUERRA GAMBLE** for the handling of all pre-trial, trial and post-judgment proceedings.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lora J. Livingston".

LORA J. LIVINGSTON
Local Administrative Judge
Travis County, Texas

LJL/lme/arb
xc: Velva L. Price, District Clerk

Automated Certificate of eService

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Envelope ID: 51310287

Status as of 3/10/2021 2:17 PM CST

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	3/9/2021 4:15:17 PM	SENT

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Mark C.Enoch		fly63rc@verizon.net	3/9/2021 4:15:17 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/9/2021 4:15:17 PM	SENT

Associated Case Party: InfoWars, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Mark C.Enoch		fly63rc@verizon.net	3/9/2021 4:15:17 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/9/2021 4:15:17 PM	SENT

Associated Case Party: Free Speech, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Mark C.Enoch		fly63rc@verizon.net	3/9/2021 4:15:17 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/9/2021 4:15:17 PM	SENT

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Envelope ID: 51310287
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Associated Case Party: Owen Shroyer

Name	BarNumber	Email	TimestampSubmitted	Status
Mark C. Enoch		fly63rc@verizon.net	3/9/2021 4:15:17 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/9/2021 4:15:17 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
William Ogden		bill@fbtrial.com	3/9/2021 4:15:17 PM	SENT
Jill Bauerlein		jbauerlein@BurnettTurner.com	3/9/2021 4:15:17 PM	SENT



Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Gilberto Rios

LORA J. LIVINGSTON
Local Administrative Judge

Travis County Courthouse
P. O. Box 1748
Austin, TX 78767

DISTRICT COURTS

(512) 854-9309
FAX (512) 854-9332

March 9, 2021

Mark C. Enoch
Mark C. Enoch, PC
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Via email: fly63rc@verizon.net

Robert E. Barnes
Barnes Law
601 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017
Via email: robertbarnes@barneslawllp.com

Michael Burnett
Scott Nyitray
Burnett Turner
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730
Via email: mburnertt@burnettturner.com
Via email: snyitray@burnettturner.com

Mark D. Bankston
Kyle W. Farrar
Kaster Lynch Farrar & Ball, LLP
1117 Herkimer Street
Houston, Texas 77008
Via email: mark@fbtrial.com
Via email: kyle@fbtrial.com

T. Wade Jeffries
The Law Office of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701
Via email: twadejefferies@twj-law.com

Eric J. Taube
Kevin W. Brown
Waller Lansden Dortch & Davis LLP
100 Congress Avenue, Suite 1800
Austin, Texas 78701
Via email: eric.taube@wallerlaw.com
Via email: kevin.brown@wallerlaw.com

Re: Cause No. D-1-GN-18-001605; Marcel Fontaine vs. Alex E. Jones, INFOWARS, LLC, et al; in the 459th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001835; Neil Heslin vs. Alex E. Jones, INFOWARS, LLC, et al; in the 261st Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001842; Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al; in the 345th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-006623; Scarlett Lewis vs. Alex E. Jones, InfoWars, LLC, and Free Speech Systems, LLC; in the 98th Judicial District, Travis County, Texas

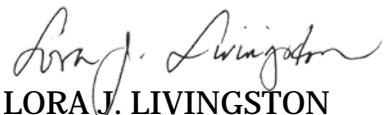
Re: Cause No. D-1-GN-19-004651; Neil Heslin vs. Alex E. Jones, InfoWars, LLC and Free Speech Systems, LLC; in the 261st Judicial District, Travis County, Texas

Dear Counsel:

In accordance with Chapter 2.6, the above cases have been **reassigned** from **JUDGE SCOTT JENKINS to JUDGE MAYA GUERRA GAMBLE** for the handling of all pre-trial, trial and post-judgment proceedings.

Thank you.

Sincerely,



LORA J. LIVINGSTON
Local Administrative Judge
Travis County, Texas

LJL/lme/arb
xc: Velva L. Price, District Clerk

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Envelope ID: 51335071
Status as of 3/10/2021 3:02 PM CST

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Mark C.Enoch		fly63rc@verizon.net	3/10/2021 11:40:29 AM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/10/2021 11:40:29 AM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	3/10/2021 11:40:29 AM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/10/2021 11:40:29 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jill Bauerlein		jbauerlein@BurnettTurner.com	3/10/2021 11:40:29 AM	SENT

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	3/10/2021 11:40:29 AM	SENT

MARCH 11, 2021 11:03 PM
At _____
Velva L. Price, District Clerk



Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Chloe Jimenez

MAYA GUERRA GAMBLE
Judge, 459th District Court
Heman Marion Sweatt Travis County Courthouse
P.O. Box 1748
Austin, Texas 78767
512-854-9384

March 11, 2021

Mark C. Enoch
Mark C. Enoch. PC
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Via email: fly63rc@verizon.net

Robert E. Barnes
Barnes Law
601 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017
Via email: robertbarnes@barneslawllp.com

Michael Burnett
Scott Nyitray
Burnett Turner
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730
Via email: mburnertt@burnettturner.com
Via email: snyitray@burnettturner.com

Mark D. Bankston
Kyle W. Farrar
Kaster Lynch Farrar & Ball, LLP
1117 Herkimer Street
Houston, Texas 77008
Via email: mark@fbtrial.com
Via email: kyle@fbtrial.com

T. Wade Jeffries
The Law Office of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701
Via email: twadejefferies@twj-law.com

Eric J. Taube
Kevin W. Brown
Waller Lansden Dortch & Davis LLP
100 Congress Avenue, Suite 1800
Austin, Texas 78701
Via email: eric.taube@wallerlaw.com
Via email: kevin.brown@wallerlaw.com

Re: Cause No. D-1- GN-18-001605; Marcel Fontaine vs. Alex E. Jones, INFOWARS, LLC, et al; in the 459th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001835; Neil Heslin vs. Alex E. Jones, INFOWARS, LLC, et al; in the 261st Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001842; Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al; in the 345th Judicial District, Travis County, Texas

Page 2 of 2

Re: Cause No. D-1-GN-18-006623; *Scarlett Lewis vs. Alex E. Jones, INFOWARS, LLC, and Free Speech Systems, LLC; in the 98th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-19-004651; *Neil Heslin vs. Alex E. Jones, INFOWARS, LLC and Free Speech Systems, LLC; in the 261st Judicial District, Travis County, Texas*

Dear Counsel:

These cases have been assigned to the 459th District Court pursuant to Travis County Local Rule 2.6. You must present all motions and orders, **including agreed motions and orders**, to this court only. Please note that simply filing a motion with the District Clerk does not bring it to the court's attention as I do not receive these documents automatically. You must file pleadings with the District Clerk and then deliver them directly to the 459th District Court. You may deliver documents to the 459th District Court by emailing them to 459.submission@traviscountytexas.gov. We will also create a Box drive folder for you to upload relevant documents in advance of any virtual hearings. However, any documents which exceed 20 pages in length must be provided in paper form.

My Judicial Executive Assistant is the primary point of contact for this Court. You may call her at (512) 854-9384 or you may email the Court at 459.submission@traviscountytexas.gov. Specifically, please coordinate with my Judicial Executive Assistant for dates and times of any hearings that you may need to set.

For any setting, you must announce in compliance with Chapter 3 of the Local Rules of the District Courts of Travis County and the most recent Travis County Civil and Family Courts Emergency Order. I look forward to working with you on this case.

Very Truly Yours,



Maya Guerra Gamble
Judge, 459th District Court

cc: Ms. Velva L. Price, Travis County District Clerk

Automated Certificate of eService

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Larissa Walton on behalf of Samuel Denton
Bar No. 24064378
larissa.walton@traviscountytx.gov
Envelope ID: 51404358
Status as of 3/14/2021 2:03 PM CST

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	3/11/2021 5:21:25 PM	SENT

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burnett		mburnett@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/11/2021 5:21:25 PM	SENT

Associated Case Party: InfoWars, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT
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Case Contacts

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William Ogden		bill@fbtrial.com	3/11/2021 5:21:25 PM	SENT
Jill Bauerlein		jbauerlein@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT

Associated Case Party: Free Speech, LLC

Name

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larissa.walton@traviscountytx.gov
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T. Wade Jefferies		twadejefferies@twj-law.com	3/11/2021 5:21:25 PM	SENT

Associated Case Party: Owen Shroyer

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	3/11/2021 5:21:25 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	3/11/2021 5:21:25 PM	SENT

APRIL 16, 2021 6:03 PM
At _____
Velva L. Price, District Clerk



Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Chloe Jimenez

MAYA GUERRA GAMBLE
Judge, 459th District Court
Heman Marion Sweatt Travis County Courthouse P.O. Box 1748
Austin, Texas 78767
512-854-9384

4/20/2021

Marguerite Guadin
Amos Pictures
9 Perseverance Works
Kingsland Road
London, GB
Via email: marguerite@amospictures.co.uk

Re: Media Coverage Request for Alex Jones-Related Cases

Cause No. D-1- GN-18-001605; *Marcel Fontaine vs. Alex E. Jones, InfoWars, LLC, et al; in the 459th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-18-001835; *Neil Heslin vs. Alex E. Jones, InfoWars, LLC, et al; in the 261st Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-18-001842; *Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al; in the 345th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-18-006623; *Scarlett Lewis vs. Alex E. Jones, InfoWars, LLC, and Free Speech Systems, LLC; in the 98th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-19-004651; *Neil Heslin vs. Alex E. Jones, InfoWars, LLC and Free Speech Systems, LLC; in the 261st Judicial District, Travis County, Texas*

Ms. Guadin:

I understand that you are interested in providing media coverage of upcoming trials that will take place in my Courtroom. For guidance on media request procedures and required conduct during hearings, please review Texas Rule of Civil Procedure 18c and Travis County Local Rules of Civil Procedure and Rules of Decorum (Local Rules) Chapter 16.

In Travis County, media coverage is permitted only on written order of the Court. A person wishing to broadcast, televise, record or photograph a court proceeding must file a request to cover the proceeding with the District Clerk and deliver copies of the request to the Court, Court Administrator, all counsel of record and all parties not represented by attorneys. This must occur well in advance of the hearing or trial in order to allow the parties time to object and the Court to hear and consider argument. Again, details on the process and

requirements are located in Chapter 16 of the Local Rules. The link to the Local Rules can be found at:
<https://www.traviscountytexas.gov/courts/files/civil-district>.

Please direct all communications with this Court to 459.submission@traviscountytexas.gov. Thank you.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Mg. Guerra', followed by a long, sweeping horizontal stroke.

Maya Guerra Gamble
Judge, 459th District Court

cc: Ms. Velva L. Price, Travis County District Clerk
Mark C. Enoch, fly63rc@verizon.net
Mark D. Bankston, mark@fbtrial.com
Kyle W. Farrar, kyle@fbtrial.com
Robert E. Barnes, robertbarnes@barneslawllp.com
T. Wade Jeffries, twadejefferies@twj-law.com
Michael Burnett, mburnertt@burnettturner.com
Scott Nyitray, snyitray@burnettturner.com
Eric J. Taube, eric.taube@wallerlaw.com
Kevin W. Brown, kevin.brown@wallerlaw.com

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Larissa Walton on behalf of Samuel Denton
Bar No. 24064378
larissa.walton@traviscountytx.gov
Envelope ID: 52652938
Status as of 4/23/2021 12:25 PM CST

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	4/20/2021 4:11:44 PM	SENT

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burnett		mburnett@BurnettTurner.com	4/20/2021 4:11:44 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	4/20/2021 4:11:44 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/20/2021 4:11:44 PM	SENT

Associated Case Party: InfoWars, LLC

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Case Contacts

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William Ogden		bill@fbtrial.com	4/20/2021 4:11:44 PM	SENT
Jill Bauerlein		jbauerlein@BurnettTurner.com	4/20/2021 4:11:44 PM	SENT

Associated Case Party: Free Speech, LLC

Name

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larissa.walton@traviscountytx.gov
Envelope ID: 52652938
Status as of 4/23/2021 12:25 PM CST

Associated Case Party: Free Speech, LLC

Scott Nyitray		snyitray@BurnettTurner.com	4/20/2021 4:11:44 PM	SENT
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T. Wade Jefferies		twadejefferies@twj-law.com	4/20/2021 4:11:44 PM	SENT

Associated Case Party: Owen Shroyer

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	4/20/2021 4:11:44 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	4/20/2021 4:11:44 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/20/2021 4:11:44 PM	SENT

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,

Plaintiff,

v.

ALEX E. JONES, INFOWARS, LLC, FREE
SPEECH SYSTEMS, LLC, AND OWEN
SHROYER

Defendants,

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

NOTICE OF APPEARANCE ON BEHALF OF DEFENDANTS

COME NOW, Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer (collectively “Defendants”), and file this Notice of Appearance of Counsel, hereby providing notice to the Court and to Plaintiff, Neil Heslin, that the following attorney and law firm is now counsel of record for Defendants, and thus copies of all pleadings and notices should be served upon the following attorney:

Bradley J. Reeves
REEVES LAW, P.C.
702 Rio Grande St., Suite 203
Austin, TX 78701
brad@brtx.law
Telephone: (512) 827-2246
Facsimile: (512) 318-2484

Dated: April 27, 2021.

Respectfully submitted,

By: /s/ Bradley J. Reeves
Bradley J. Reeves
Texas Bar No. 24068266
brad@brtx.law
REEVES LAW, PLLC
702 Rio Grande St., Suite 203
Austin, TX 78701
Telephone: (512) 827-2246
Facsimile: (512) 318-2484

**ATTORNEY FOR DEFENDANTS, ALEX E. JONES,
INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC,
AND OWEN SHROYER**

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party in
accordance with the Texas Rules of Civil Procedure on April 27, 2021.

T. Wade Jefferies *via email*
The Law Firm of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701

Robert Barnes *via email*
BARNES LAW, LLP
601 South Figueroa St., Suite 4050
Los Angeles, CA 90017

Mark Bankston *via email*
William Ogden
Farrar & Ball, LLP
1117 Herkimer Street
Houston, TX 77008

/s/ Bradley J. Reeves
Bradley J. Reeves

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Bradley Reeves on behalf of Bradley Reeves
Bar No. 24068266
brad@brtx.law
Envelope ID: 52876899
Status as of 4/28/2021 11:59 AM CST

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	4/27/2021 3:43:37 PM	SENT

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

Associated Case Party: InfoWars, LLC

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Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
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Case Contacts

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William Ogden		bill@fbtrial.com	4/27/2021 3:43:37 PM	SENT
Jill Bauerlein		jbauerlein@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Bradley Reeves		brad@brtx.law	4/27/2021 3:43:37 PM	SENT

Associated Case Party: Free Speech, LLC

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Bradley Reeves on behalf of Bradley Reeves
Bar No. 24068266
brad@brtx.law
Envelope ID: 52876899
Status as of 4/28/2021 11:59 AM CST

Associated Case Party: Free Speech, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

Associated Case Party: Owen Shroyer

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC, FREE	§	
SPEECH SYSTEMS, LLC, AND OWEN	§	
SHROYER	§	
	§	261 st JUDICIAL DISTRICT
<i>Defendants,</i>		

**DEFENDANTS' UNOPPOSED MOTION FOR SUBSTITUTION OF COUNSEL
AND WITHDRAWAL OF COUNSEL**

Defendants, Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer (collectively "Defendants") file this Unopposed Motion for Substitution of Counsel and Withdrawal of Counsel and would show unto the Court as follows:

Defendants desire to substitute the following as counsel of record in place of T. Wade Jefferies and the Law Firm of T. Wade Jefferies and Michael Burnett and Scott Nyitray of the law firm of BurnettTurner:

Bradley J. Reeves
Texas State Bar No. 24068266
REEVES LAW, PLLC
702 Rio Grande Street, Suite 203
Austin, Texas 78701
Tel: (512) 827-2246
Fax: (512) 318-2484
Email: brad@brtx.law

Defendants desire that T. Wade Jefferies of the Law Firm of T. Wade Jefferies and Michael Burnett and Scott Nyitray of the law firm of BurnettTurner be permitted to withdraw as attorneys of record for Defendants.

This motion is made with the approval and desire of Defendants.

Pursuant to Local Rule 6.2(a), counsel for Plaintiff consents to the withdrawal as indicated by his electronic signature below.

The motion is not made for any purpose of delay in this case.

WHEREFORE, Defendants, Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer request that Bradley J. Reeves of REEVES LAW, PLLC be substituted as their attorney of record in place of T. Wade Jefferies of the Law Firm of T. Wade Jefferies and Michael Burnett and Scott Nyitray of the law firm of BurnettTurner; that T. Wade Jefferies of the Law Firm of T. Wade Jefferies and Michael Burnett and Scott Nitray of the law firm of BurnettTurner be permitted to withdraw as attorneys of record for the aforementioned Defendants; and for such other and further relief, both general and special, at law or in equity, to which Defendants may be justly entitled.

Dated: April 27, 2021.

Respectfully submitted,

By: /s/ Bradley J. Reeves

Bradley J. Reeves

Texas Bar No. 24068266

brad@brtx.law

REEVES LAW, PLLC

702 Rio Grande St., Suite 203

Austin, TX 78701

Telephone: (512) 827-2246

Facsimile: (512) 318-2484

**SUBSTITUTED ATTORNEYS FOR DEFENDANTS,
ALEX E. JONES, INFOWARS, LLC, FREE
SPEECH SYSTEMS, LLC, AND OWEN SHROYER**

By: /s/ T. Wade Jefferies
T. Wade Jefferies
Texas Bar No. 00790962
The Law Firm of T. Wade Jefferies
401 Congress Ave., Ste. 1540
Austin, TX 78701
twadejefferies@twj-law.com
Telephone: (512) 201-2727
Facsimile: (512) 687-3499

By: /s/ Michael Burnett
Michael Burnett
Texas Bar No. 00790399
mburnett@burnettturner.com
Scott Nyitray
Texas Bar No. 24094876
snyitray@burnettturner.com
BURNETTTURNER
6034 W. Courtyard Dr., Suite 140
Austin, TX 78730
Telephone: (512) 472-5060
Facsimile: (512) 472-5427

WITHDRAWING ATTORNEYS FOR DEFENDANTS

CONSENT TO WITHDRAWAL:

FARRAR & BALL, LLP

By: /s/ William R. Ogden
Mark D. Bankston
Texas Bar No. 24071066
mark@fbtrial.com
William R. Ogden
Texas Bar No. 24073531
bill@fbtrial.com
1117 Herkimer Street
Houston, TX 77008
Tel: (713) 221-7008
Fax: (713) 221-8301

ATTORNEYS FOR PLAINTIFF, NEIL HESLIN

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on April 27, 2021.

T. Wade Jefferies *via email*
The Law Firm of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701

Michael Burnett *via email*
Scott Nyitray
BURNETTTURNER
6034 W. Courtyard Dr., Suite 140
Austin, TX 78730

Mark Bankston *via email*
William Ogden
Farrar & Ball, LLP
1117 Herkimer Street
Houston, TX 77008

/s/ Bradley J. Reeves
Bradley J. Reeves

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Bradley Reeves on behalf of Bradley Reeves
Bar No. 24068266
brad@brtx.law
Envelope ID: 52876899
Status as of 4/28/2021 11:59 AM CST

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	4/27/2021 3:43:37 PM	SENT

Associated Case Party: InfoWars, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
William Ogden		bill@fbtrial.com	4/27/2021 3:43:37 PM	SENT
Jill Bauerlein		jbauerlein@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Bradley Reeves		brad@brtx.law	4/27/2021 3:43:37 PM	SENT

Associated Case Party: Free Speech, LLC

Automated Certificate of eService

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Bradley Reeves on behalf of Bradley Reeves
Bar No. 24068266
brad@brtx.law
Envelope ID: 52876899
Status as of 4/28/2021 11:59 AM CST

Associated Case Party: Free Speech, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

Associated Case Party: Owen Shroyer

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	4/27/2021 3:43:37 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	4/27/2021 3:43:37 PM	SENT

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,

Plaintiff,

v.

ALEX E. JONES, INFOWARS, LLC, FREE
SPEECH SYSTEMS, LLC, AND OWEN
SHROYER

Defendants,

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION FOR SUBSTITUTION OF
COUNSEL AND WITHDRAWAL OF COUNSEL**

CAME ON for consideration the Motion for Substitution of Counsel and Withdrawal of Counsel filed by Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer (collectively "Defendants"), and the Court, after considering the motion, is of the opinion that the motion should be GRANTED. It is therefore,

ORDERED that Bradley J. Reeves and the law firm of REEVES LAW, PLLC is substituted as attorney of record for Defendants, Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer in place of T. Wade Jefferies and the Law Firm of T. Wade Jefferies and Michael Burnett and Scott Nyitray of the law firm of BurnettTurner. It is further

ORDERED that that T. Wade Jefferies and the Law Firm of T. Wade and Michael Burnett and Scott Nyitray of the law firm of BurnettTurner are permitted to withdraw as attorneys of record for Defendants.

SIGNED ON _____, 2021.

HONORABLE JUDGE PRESIDING

**APPROVED AS TO FORM
AND ENTRY REQUESTED:**

By: /s/ Bradley J. Reeves
Bradley J. Reeves
Texas Bar No. 24068266
brad@brtx.law
REEVES LAW, PLLC
702 Rio Grande St., Suite 203
Austin, TX 78701
Telephone: (512) 827-2246
Facsimile: (512) 318-2484

SUBSTITUTED ATTORNEY FOR DEFENDANTS

By: /s/ T. Wade Jefferies
T. Wade Jefferies
Texas Bar No. 00790962
The Law Firm of T. Wade Jefferies
401 Congress Ave., Ste. 1540
Austin, TX 78701
twadejefferies@twj-law.com
Telephone: (512) 201-2727
Facsimile: (512) 687-3499

By: /s/ Michael Burnett
Michael Burnett
Texas Bar No. 00790399
mburnett@burnettturner.com
Scott Nyitray
Texas Bar No. 24094876
snyitray@burnettturner.com
BURNETTTURNER
6034 W. Courtyard Dr., Suite 140
Austin, TX 78730
Telephone: (512) 472-5060
Facsimile: (512) 472-5427

WITHDRAWING ATTORNEYS FOR DEFENDANTS

By: /s/ William R. Ogden

Mark D. Bankston

Texas Bar No. 24071066

mark@fbtrial.com

William R. Ogden

Texas Bar No. 24073531

bill@fbtrial.com

1117 Herkimer Street

Houston, TX 77008

Tel: (713) 221-7008

Fax: (713) 221-8301

**ATTORNEYS FOR PLAINTIFF,
NEIL HESLIN**

AMOS Pictures



MAYA GUERRA GAMBLE
Judge, 459th District Court
Heman Marion Sweatt Travis County Courthouse P.O. Box 1748
Austin, Texas 78767
512-854-9384

Your Honor,

Please consider giving Amos Pictures, an independent television documentary production company based in London, England, permission to film court proceedings, for an HBO television documentary, in the following cases:

Cause No. D-1-GN-18-001835; Neil Heslin vs. Alex E. Jones, InfoWars, LLC, et al;
Cause No. D-1-GN-18-001842; Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al;
Cause No. D-1-GN-18-006623; Scarlett Lewis vs. Alex E. Jones, InfoWars, LLC, and Free Speech Systems, LLC;
Cause No. D-1-GN-19-004651; Neil Heslin vs. Alex E. Jones, InfoWars, LLC and Free Speech Systems, LLC;

We note that no hearings are currently scheduled, however we seek permission to film all court proceedings from this date forward.

In view of the immense public interest and cultural significance of these cases Amos Pictures has been commissioned by HBO Documentaries to create a 90-minute documentary following the legal battle between Alex Jones et al and several parents whose children perished in the Sandy Hook school shooting. The program will be broadcast worldwide after the conclusion of legal proceedings in Texas.

The program, which will be strictly non-political and non-partisan, will seek to closely involve its audience in the complexities and the dramatic unfolding of the judicial process.

For the avoidance of doubt, no material filmed in court will be released or shared in any way before legal proceedings in each case listed above have come to an end.

We have reviewed the Texas Rule of Civil Procedure 18c and Travis County Local Rules of Civil Procedure and Rules of Decorum (Local Rules) Chapter 16.

We will operate at all times with great care and in close consultation with the court and its officers and will submit to the authority of the Court in all matters pertaining to the enforcement of the rules around filming..

AMOS Pictures



Amos Pictures has significant prior experience of filming court proceedings in the United States and will ensure that the business of the court is not impeded and that the judge's instructions are scrupulously complied with.

We would like to be able to film the speech of participants in the courtroom so that audiences can see and engage with the person/s speaking. Equipment will be unobtrusive and consist of one digital cinema camera on a tripod, which can be operated from a seated position; and a number of remotely-operated wireless microphones.

Amos Pictures is a multi-award-winning production house whose recent successes have included the Primetime Emmy-winning documentary "Leaving Neverland" (2019) which became HBO's most-watched ever documentary.

Dan Reed the director of this documentary has three decades of experience in the documentary field and is one of its leading practitioners, with dozens of awards and nominations for his exacting, diligent journalism and cinematic storytelling.

This request is copied to all counsel of record in the case as instructed.

We look forward to providing further details if the Court should require these.

Best regards,

Dan Reed

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 53453830

Status as of 5/14/2021 1:11 PM CST

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	5/14/2021 12:29:00 PM	SENT

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burnett		mburnett@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	5/14/2021 12:29:00 PM	SENT

Associated Case Party: InfoWars, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	5/14/2021 12:29:00 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Warren Lloyd Vavra	786307	warren.vavra@traviscountytexas.gov	5/14/2021 12:29:00 PM	SENT
Velva Lasha Price	16315950	velva.price@traviscountytexas.gov	5/14/2021 12:29:00 PM	SENT
Bradley Reeves		brad@brtx.law	5/14/2021 12:29:00 PM	SENT
Judge Maya Guerra Gamble		459.submission@traviscountytexas.gov	5/14/2021 12:29:00 PM	SENT

Associated Case Party: Free Speech, LLC

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Associated Case Party: Free Speech, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	5/14/2021 12:29:00 PM	SENT

Associated Case Party: Owen Shroyer

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	5/14/2021 12:29:00 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	5/14/2021 12:29:00 PM	SENT



June 02, 2021, 01:29:30
At
Velva L. Price, District Clerk

MAYA GUERRA GAMBLE
Judge, 459th District Court
Heman Marion Sweatt Travis County Courthouse
P.O. Box 1748
Austin, Texas 78767
512-854-9384

June 2, 2021

Mark C. Enoch
Mark C. Enoch, PC
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Via email: fly63rc@verizon.net

Robert E. Barnes
Barnes Law
601 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017
Via email: robertbarnes@barneslawllp.com

Michael Burnett
Scott Nyitray
Burnett Turner
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730
Via email: mburnertt@burnettturner.com
Via email: snitray@burnettturner.com

Bradley Reeves
Reeves Law, PLLC
702 Rio Grande St, STE 306
Austin, TX 78701
Via email: brad@brtx.law

Mark D. Bankston
Kyle W. Farrar
Kaster Lynch Farrar & Ball, LLP
1117 Herkimer Street
Houston, Texas 77008
Via email: mark@fbtrial.com
Via email: kyle@fbtrial.com

T. Wade Jeffries
The Law Office of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701
Via email: twadejefferies@twj-law.com

Eric J. Taube
Kevin W. Brown
Waller Lansden Dortch & Davis LLP
100 Congress Avenue, Suite 1800
Austin, Texas 78701
Via email: eric.taube@wallerlaw.com
Via email: kevin.brown@wallerlaw.com

Re: Cause No. D-1- GN-18-001605; Marcel Fontaine vs. Alex E. Jones, INFOWARS, LLC, et al; in the 459th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001835; Neil Heslin vs. Alex E. Jones, INFOWARS, LLC, et al; in the 261st Judicial District, Travis County, Texas

Page 2 of 2

Re: Cause No. D-1-GN-18-001842; *Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al; in the 345th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-18-006623; *Scarlett Lewis vs. Alex E. Jones, INFOWARS, LLC, and Free Speech Systems, LLC; in the 98th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-19-004651; *Neil Heslin vs. Alex E. Jones, INFOWARS, LLC and Free Speech Systems, LLC; in the 261st Judicial District, Travis County, Texas*

Dear Counsel:

It is the Court's understanding that all appellate procedures have concluded. If this is incorrect, please inform the Court and provide a summary of the current situation and, to the extent possible, an anticipated timeline.

The Court would like to set an initial hearing so that the parties may orient the Court to these cases and dispose of any initial issues. The Court's upcoming available dates are July 9 at 9am or July 23rd at 9am or 2pm. Please confer and provide the Court with the date and time most agreeable to the parties.

Prior to this initial hearing, Counsel must agree on and file a proposed docket control order for each case. These docket control orders should comport with the Texas Rules of Civil Procedure and the "Standing Pretrial Scheduling Order for Civil and Family Jury Trials in the Travis County District Courts," located at <https://www.traviscountytexas.gov/images/courts/Docs/standing-pretrial-scheduling-order-for-civil-and-family-jury-trials.pdf>. Further, the proposed order must provide that all substantive motions be heard no later than thirty days before trial. If the parties cannot agree to the schedule, please provide briefing on the issues by filing with the District Clerk and submitting a courtesy copy to 459.submission@traviscountytexas.gov. As with any written communication to the Court, please ensure you "cc" all parties.

For any setting, you must announce in compliance with Chapter 3 of the Local Rules of the District Courts of Travis County and the most recent Travis County Civil and Family Courts Emergency Order. As always, I look forward to working with you on this case.

Very Truly Yours,



Maya Guerra Gamble
Judge, 459th District Court

cc: Ms. Velva L. Price, Travis County District Clerk



Filed in The District Court
of Travis County, Texas

JUN 03 2021

At 4:24 ^{PM}
Velva L. Price, District Clerk

MAYA GUERRA GAMBLE
Judge, 459th District Court
Heman Marion Sweatt Travis County Courthouse
P.O. Box 1748
Austin, Texas 78767
512-854-9384

June 2, 2021

Mark C. Enoch
Mark C. Enoch, PC
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Via email: fly63rc@verizon.net

Robert E. Barnes
Barnes Law
601 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017
Via email: robertbarnes@barneslawllp.com

Michael Burnett
Scott Nyitray
Burnett Turner
6034 W. Courtyard Drive, Suite 140
Austin, Texas 78730
Via email: mburnertt@burnettturner.com
Via email: snitray@burnettturner.com

Bradley Reeves
Reeves Law, PLLC
702 Rio Grande St, STE 306
Austin, TX 78701
Via email: brad@brtx.law

Mark D. Bankston
Kyle W. Farrar
Kaster Lynch Farrar & Ball, LLP
1117 Herkimer Street
Houston, Texas 77008
Via email: mark@fbtrial.com
Via email: kyle@fbtrial.com

T. Wade Jeffries
The Law Office of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701
Via email: twadejefferies@twj-law.com

Eric J. Taube
Kevin W. Brown
Waller Lansden Dortch & Davis LLP
100 Congress Avenue, Suite 1800
Austin, Texas 78701
Via email: eric.taube@wallerlaw.com
Via email: kevin.brown@wallerlaw.com

Re: Cause No. D-1- GN-18-001605; Marcel Fontaine vs. Alex E. Jones, INFOWARS, LLC, et al; in the 459th Judicial District, Travis County, Texas

Re: Cause No. D-1-GN-18-001835; Neil Heslin vs. Alex E. Jones, INFOWARS, LLC, et al; in the 261st Judicial District, Travis County, Texas

270 of 285
D-1- GN-18-001605, D-1-GN-18-001835, D-1-GN-18-001842, D-1-GN-18-006623,
D-1-GN-19-004651

Page 2 of 2

Re: Cause No. D-1-GN-18-001842; *Leonard Pozner and Veronique De La Rosa vs. Alex E. Jones, INFOWARS, LLC, et al; in the 345th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-18-006623; *Scarlett Lewis vs. Alex E. Jones, INFOWARS, LLC, and Free Speech Systems, LLC; in the 98th Judicial District, Travis County, Texas*

Re: Cause No. D-1-GN-19-004651; *Neil Heslin vs. Alex E. Jones, INFOWARS, LLC and Free Speech Systems, LLC; in the 261st Judicial District, Travis County, Texas*

Dear Counsel:

It is the Court's understanding that all appellate procedures have concluded. If this is incorrect, please inform the Court and provide a summary of the current situation and, to the extent possible, an anticipated timeline.

The Court would like to set an initial hearing so that the parties may orient the Court to these cases and dispose of any initial issues. The Court's upcoming available dates are July 9 at 9am or July 23rd at 9am or 2pm. Please confer and provide the Court with the date and time most agreeable to the parties.

Prior to this initial hearing, Counsel must agree on and file a proposed docket control order for each case. These docket control orders should comport with the Texas Rules of Civil Procedure and the "Standing Pretrial Scheduling Order for Civil and Family Jury Trials in the Travis County District Courts," located at <https://www.traviscountytx.gov/images/courts/Docs/standing-pretrial-scheduling-order-for-civil-and-family-jury-trials.pdf>. Further, the proposed order must provide that all substantive motions be heard no later than thirty days before trial. If the parties cannot agree to the schedule, please provide briefing on the issues by filing with the District Clerk and submitting a courtesy copy to 459.submission@traviscountytx.gov. As with any written communication to the Court, please ensure you "cc" all parties.

For any setting, you must announce in compliance with Chapter 3 of the Local Rules of the District Courts of Travis County and the most recent Travis County Civil and Family Courts Emergency Order. As always, I look forward to working with you on this case.

Very Truly Yours,



Maya Guerra Gamble
Judge, 459th District Court

cc: Ms. Velva L. Price, Travis County District Clerk



COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

DARLENE BYRNE, CHIEF JUSTICE
MELISSA GOODWIN, JUSTICE
THOMAS J. BAKER, JUSTICE
GISELA D. TRIANA, JUSTICE
CHARI L. KELLY, JUSTICE
EDWARD SMITH, JUSTICE

JEFFREY D. KYLE, CLERK

Filed in the District Clerk
Of Travis County, Texas

June 4, 2021

The Honorable Velva L. Price
Civil District Clerk
Travis County Courthouse
P. O. Box 1748
Austin, TX 78767
* DELIVERED VIA E-MAIL *

At JUNE 4, 2021 6:02 PM
Velva L. Price, District Clerk

RE: Court of Appeals Number: 03-19-00811-CV
Trial Court Case Number: D-1-GN-18-001835

Style: Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer
v. Neil Heslin

Dear Mr. Price:

Enclosed, with reference to the above cause, is the mandate of this Court. Please file and execute in the usual manner. Your cooperation in this regard is appreciated.

In addition, as required by Texas Government Code, Sec. 51.204(d), the trial court clerk is notified that we will destroy all records filed in respect to this case with the exception of indexes, original opinions, minutes and general court dockets no earlier than six (6) years from the date final mandate is issued.

Very truly yours,


JEFFREY D. KYLE, CLERK

By: Courtland Crocker, Deputy Clerk

cc: Mr. David J. Sacks
Mr. T. Wade Jefferies

Mr. Bradley J. Reeves
Mr. Mark Bankston

MANDATE

THE STATE OF TEXAS

TO THE 53RD DISTRICT COURT OF TRAVIS COUNTY, GREETINGS:

Trial Court Cause No. D-1-GN-18-001835

Before our Court of Appeals for the Third District of Texas on March 25, 2020, the cause on appeal to revise or reverse your judgment between

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and
Owen Shroyer

No. 03-19-00811-CV v.

Neil Heslin

Was determined, and therein our Court of Appeals made its order in these words

This is an appeal from the interlocutory order signed by the trial court on October 18, 2019. Having reviewed the record and the parties' arguments, the Court holds that there was no reversible error in the trial court's order. Therefore, the Court affirms the trial court's order. The Court grants Heslin's motion for sanctions and awards him \$22,250 for attorney's fees. Appellant shall pay all costs relating to this appeal, both in this Court and in the court below.

Wherefore, we command you to observe the order of our Court of Appeals in this behalf and in all things have the order duly recognized, obeyed, and executed.



Witness the Honorable Darlene Byrne, Chief Justice of the Court of Appeals for the Third District of Texas, with the seal of the Court affixed in the City of Austin on Friday, June 4, 2021.



JEFFREY D. KYLE, CLERK

By: Courtland Crocker, Deputy Clerk

BILL OF COSTS

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

No. 03-19-00811-CV

Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer

v.

Neil Heslin

(No. D-1-GN-18-001835 IN 53RD DISTRICT COURT OF TRAVIS COUNTY)

Type of Fee	Charges	Paid	By
FILING	\$10.00	E-PAID	CARMEN M SCOTT
FILING	\$10.00	E-PAID	BRADLEY REEVES
FILING	\$10.00	E-PAID	DAVID J SACKS
FILING	\$10.00	E-PAID	CARMEN M SCOTT
FILING	\$10.00	E-PAID	DAVID J SACKS
FILING	\$10.00	E-PAID	DAVID J SACKS
REPORTER'S RECORD	\$402.00	UNKNOWN	UNKNOWN
CLERK'S RECORD	\$3,303.00	UNKNOWN	UNKNOWN
STATEWIDE EFILING FEE	\$30.00	E-PAID	T. WADE JEFFERIES
FILING	\$100.00	E-PAID	T. WADE JEFFERIES
SUPREME COURT CHAPTER 51 FEE	\$50.00	E-PAID	T. WADE JEFFERIES
INDIGENT	\$25.00	E-PAID	T. WADE JEFFERIES

Balance of costs owing to the Third Court of Appeals, Austin, Texas: 0.00

Court costs in this cause shall be paid as per the Judgment issued by this Court.

I, **JEFFREY D. KYLE**, CLERK OF THE THIRD COURT OF APPEALS OF THE STATE OF TEXAS, do hereby certify that the above and foregoing is a true and correct copy of the cost bill of THE COURT OF APPEALS FOR THE THIRD DISTRICT OF TEXAS, showing the charges and payments, in the above numbered and styled cause, as the same appears of record in this office.



IN TESTIMONY WHEREOF, witness my hand and the Seal of the **COURT OF APPEALS** for the Third District of Texas on June 4, 2021.



JEFFREY D. KYLE, CLERK

By: Courtland Crocker, Deputy Clerk

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Gilberto Rios

CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
	§	
ALEX E. JONES, INFOWARS, LLC, FREE	§	
SPEECH SYSTEMS, LLC, AND OWEN	§	
SHROYER	§	
	§	261 st JUDICIAL DISTRICT
<i>Defendants,</i>		

**DEFENDANTS' AMENDED UNOPPOSED MOTION FOR SUBSTITUTION OF
COUNSEL AND WITHDRAWAL OF COUNSEL**

Defendants, Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer (collectively "Defendants") file this Amended Unopposed Motion for Substitution of Counsel and Withdrawal of Counsel and would show unto the Court as follows:

Defendants desire to substitute the following as counsel of record in place of T. Wade Jefferies and the Law Firm of T. Wade Jefferies; Michael Burnett and Scott Nyitray of the law firm of BurnettTurner; and Mark Enoch of Glast, Phillips, & Murray, P.C.:

Bradley J. Reeves
Texas State Bar No. 24068266
REEVES LAW, PLLC
702 Rio Grande Street, Suite 203
Austin, Texas 78701
Tel: (512) 827-2246
Fax: (512) 318-2484
Email: brad@brtx.law

Defendants desire that T. Wade Jefferies of the Law Firm of T. Wade Jefferies; Michael Burnett and Scott Nyitray of the law firm of BurnettTurner; and Mark Enoch of Glast, Phillips, & Murray, P.C. be permitted to withdraw as attorneys of record for Defendants.

This motion is made with the approval and desire of Defendants.

Pursuant to Local Rule 6.2(a), counsel for Plaintiff consents to the withdrawal as indicated by his electronic signature below.

The motion is not made for any purpose of delay in this case.

WHEREFORE, Defendants, Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer request that Bradley J. Reeves of REEVES LAW, PLLC be substituted as their attorney of record in place of T. Wade Jefferies of the Law Firm of T. Wade Jefferies; Michael Burnett and Scott Nyitray of the law firm of BurnettTurner; and Mark Enoch of Glast, Phillips, & Murray, P.C.; that T. Wade Jefferies of the Law Firm of T. Wade Jefferies; Michael Burnett and Scott Nitray of the law firm of BurnettTurner; and Mark Enoch of Glast, Phillips, & Murray, P.C. be permitted to withdraw as attorneys of record for the aforementioned Defendants; and for such other and further relief, both general and special, at law or in equity, to which Defendants may be justly entitled.

Dated: June 15, 2021.

Respectfully submitted,

By: /s/ Bradley J. Reeves
Bradley J. Reeves
Texas Bar No. 24068266
brad@brtx.law
REEVES LAW, PLLC
702 Rio Grande St., Suite 203
Austin, TX 78701
Telephone: (512) 827-2246
Facsimile: (512) 318-2484

**SUBSTITUTED ATTORNEY FOR DEFENDANTS,
ALEX E. JONES; INFOWARS, LLC; FREE SPEECH
SYSTEMS, LLC; AND OWEN SHROYER**

By: /s/ T. Wade Jefferies
T. Wade Jefferies
Texas Bar No. 00790962
The Law Firm of T. Wade Jefferies
401 Congress Ave., Ste. 1540
Austin, TX 78701
twadejefferies@twj-law.com
Telephone: (512) 201-2727
Facsimile: (512) 687-3499

By: /s/ Michael Burnett
Michael Burnett
Texas Bar No. 00790399
mburnett@burnettturner.com
Scott Nyitray
Texas Bar No. 24094876
snyitray@burnettturner.com
BURNETTTURNER
6034 W. Courtyard Dr., Suite 140
Austin, TX 78730
Telephone: (512) 472-5060
Facsimile: (512) 472-5427

By: /s/ Mark C. Enoch
Mark C. Enoch
Texas Bar No. 06630360
fly63rc@verizon.net
GLAST, PHILLIPS, & MURRAY, P.C.
14801 Quorum Drive, Suite 500
Dallas, TX 75254
Telephone: (972) 419-8366
Facsimile: (972) 419-8329

**WITHDRAWING ATTORNEYS FOR DEFENDANTS,
ALEX E. JONES; INFOWARS, LLC; FREE SPEECH
SYSTEMS, LLC; AND OWEN SHROYER**

CONSENT TO WITHDRAWAL:

FARRAR & BALL, LLP

By: /s/ William R. Ogden

Mark D. Bankston

Texas Bar No. 24071066

mark@fbtrial.com

William R. Ogden

Texas Bar No. 24073531

bill@fbtrial.com

1117 Herkimer Street

Houston, TX 77008

Tel: (713) 221-7008

Fax: (713) 221-8301

ATTORNEYS FOR PLAINTIFF, NEIL HESLIN

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on June 15, 2021.

T. Wade Jefferies *via email*
The Law Firm of T. Wade Jefferies
401 Congress Avenue, Suite 1540
Austin, Texas 78701

Michael Burnett *via email*
Scott Nyitray
BURNETTTURNER
6034 W. Courtyard Dr., Suite 140
Austin, TX 78730

Mark Enoch *via email*
GLAST, PHILLIPS, & MURRAY, P.C.
14801 Quorum Drive, Suite 500
Dallas, TX 75254

Mark Bankston *via email*
William Ogden
Farrar & Ball, LLP
1117 Herkimer Street
Houston, TX 77008

/s/ Bradley J. Reeves
Bradley J. Reeves

Automated Certificate of eService

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Bradley Reeves on behalf of Bradley Reeves
Bar No. 24068266
brad@brtx.law
Envelope ID: 54451681
Status as of 6/16/2021 2:27 PM CST

Associated Case Party: NeilHeslin

Name	BarNumber	Email	TimestampSubmitted	Status
Mark D.Bankston		mark@fbtrial.com	6/15/2021 6:07:03 PM	SENT

Associated Case Party: AlexE.Jones

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Burnett		mburnett@BurnettTurner.com	6/15/2021 6:07:03 PM	SENT
Scott Nyitray		snyitray@BurnettTurner.com	6/15/2021 6:07:03 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	6/15/2021 6:07:03 PM	SENT

Associated Case Party: InfoWars, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	6/15/2021 6:07:03 PM	SENT
Michael Burnett		mburnett@BurnettTurner.com	6/15/2021 6:07:03 PM	SENT
T. Wade Jefferies		twadejefferies@twj-law.com	6/15/2021 6:07:03 PM	SENT

Case Contacts

Name
Warren Lloyd Vavra
Velva Lasha Price
William Ogden
Jill Bauerlein
Bradley Reeves
Judge Maya Guerra Gamble

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Case Contacts

Mark Charles Enoch	6630360	fly63rc@verizon.net	6/15/2021 6:07:03 PM	SENT
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Associated Case Party: Free Speech, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Nyitray		snyitray@BurnettTurner.com	6/15/2021 6:07:03 PM	SENT
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Associated Case Party: Owen Shroyer

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CAUSE NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
	§	
ALEX E. JONES, INFOWARS, LLC, FREE	§	
SPEECH SYSTEMS, LLC, AND OWEN	§	
SHROYER,	§	
	§	261 st JUDICIAL DISTRICT
<i>Defendants,</i>	§	

**ORDER GRANTING DEFENDANTS' AMENDED UNOPPOSED MOTION FOR
SUBSTITUTION OF COUNSEL AND WITHDRAWAL OF COUNSEL**

CAME ON for consideration the Amended Unopposed Motion for Substitution of Counsel and Withdrawal of Counsel filed by Defendants, Alex E. Jones; Infowars, LLC; Free Speech Systems, LLC; and Owen Shroyer (collectively "Defendants"), and the Court, after considering the motion, is of the opinion that the motion should be GRANTED. It is therefore,

ORDERED that Bradley J. Reeves and the law firm of REEVES LAW, PLLC is substituted as attorney of record for Defendants in place of T. Wade Jefferies and the Law Firm of T. Wade Jefferies; Michael Burnett and Scott Nyitray of the law firm of BurnettTurner; and Mark Enoch of Glast, Phillips, & Murray, P.C. It is further

ORDERED that that T. Wade Jefferies and the Law Firm of T. Wade Jefferies; Michael Burnett and Scott Nyitray of the law firm of BurnettTurner; and Mark Enoch of Glast, Phillips, & Murray, P.C. are permitted to withdraw as attorneys of record for Defendants.

SIGNED ON _____, 2021.

HONORABLE JUDGE MAYA GUERRA GAMBLE

**APPROVED AS TO FORM
AND ENTRY REQUESTED:**

By: /s/ Bradley J. Reeves

Bradley J. Reeves

Texas Bar No. 24068266

brad@brtx.law

REEVES LAW, PLLC

702 Rio Grande St., Suite 203

Austin, TX 78701

Telephone: (512) 827-2246

Facsimile: (512) 318-2484

SUBSTITUTED ATTORNEY FOR DEFENDANTS

By: /s/ T. Wade Jefferies

T. Wade Jefferies

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401 Congress Ave., Ste. 1540

Austin, TX 78701

twadejefferies@twj-law.com

Telephone: (512) 201-2727

Facsimile: (512) 687-3499

By: /s/ Michael Burnett

Michael Burnett

Texas Bar No. 00790399

mburnett@burnettturner.com

Scott Nyitray

Texas Bar No. 24094876

snyitray@burnettturner.com

BURNETTTURNER

6034 W. Courtyard Dr., Suite 140

Austin, TX 78730

Telephone: (512) 472-5060

Facsimile: (512) 472-5427

By: /s/ Mark C. Enoch
Mark C. Enoch
Texas Bar No. 06630360
fly63rc@verizon.net
GLAST, PHILLIPS, & MURRAY, P.C.
14801 Quorum Drive, Suite 500
Dallas, TX 75254
Telephone: (972) 419-8366
Facsimile: (972) 419-8329

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By: /s/ William R. Ogden
Mark D. Bankston
Texas Bar No. 24071066
mark@fbtrial.com
William R. Ogden
Texas Bar No. 24073531
bill@fbtrial.com
1117 Herkimer Street
Houston, TX 77008
Tel: (713) 221-7008
Fax: (713) 221-8301

ATTORNEYS FOR PLAINTIFF, NEIL HESLIN

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Associated Case Party: NeilHeslin

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Case Contacts

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Judge Maya Guerra Gamble

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Associated Case Party: Owen Shroyer

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